

HOUSE BILL NO. 2294

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Kilgore)

A BILL to amend and reenact §§ 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 3.2-5145.5, 4.1-600, 18.2-247, 18.2-251.1:3, 18.2-371.2, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3443, 54.1-3446, 59.1-200, 59.1-203, and 59.1-206 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-5145.4:1, relating to tetrahydrocannabinol; industrial hemp; regulated hemp products.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 3.2-5145.5, 4.1-600, 18.2-247, 18.2-251.1:3, 18.2-371.2, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3443, 54.1-3446, 59.1-200, 59.1-203, and 59.1-206 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-5145.4:1 as follows:

§ 3.2-4112. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Cannabis sativa product" means a product made from any part of the plant Cannabis sativa with a concentration of tetrahydrocannabinol that is greater than that allowed by federal law.

~~"Deal" means to temporarily possess industrial hemp grown in compliance with state or federal law that (i) has not been processed and (ii) was not grown and will not be processed by the person temporarily possessing it.~~

25 ~~"Dealer" means any person who is registered pursuant to subsection A of § 3.2-4115 to deal in~~
26 ~~industrial hemp. "Dealer" does not include a retail establishment that sells or offers for sale a hemp~~
27 ~~product.~~

28 ~~"Dealership" means the location at which a dealer stores or intends to store the industrial hemp in~~
29 ~~which he deals.~~

30 "Federally licensed hemp producer" means a person who holds a hemp producer license issued by
31 the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990.

32 "Grow" means to plant, cultivate, or harvest a plant or crop.

33 "Grower" means any person registered pursuant to subsection A of § 3.2-4115 to grow industrial
34 hemp.

35 "Handle" means to temporarily possess industrial hemp grown in compliance with state or federal
36 law that (i) has not been processed and (ii) was not grown by and will not be processed by the person
37 temporarily possessing it.

38 "Handler" means any person who is registered pursuant to subsection A of § 3.2-4115 to handle
39 industrial hemp. "Handler" does not include a retail establishment that sells or offers for sale a hemp
40 product.

41 "Handler's storage site" means the location at which a handler stores or intends to store the
42 industrial hemp he handles.

43 "Hemp product" means a product, including any raw materials from industrial hemp that are used
44 for or added to a food or beverage ~~product~~, that (i) contains industrial hemp and has completed all stages
45 of processing needed for the product and (ii) when offered for retail sale (a) contains a total
46 tetrahydrocannabinol concentration of no greater than 0.3 percent and (b) contains no more than two
47 milligrams of total tetrahydrocannabinol per package.

48 "Industrial hemp" means any part of the plant Cannabis sativa, including seeds thereof, whether
49 growing or not, with a concentration of tetrahydrocannabinol that is no greater than that allowed by federal
50 law. "Industrial hemp" includes an industrial hemp extract that has not completed all stages of processing
51 needed to convert the extract into a hemp product.

52 "Process" means to convert industrial hemp into a hemp product.

53 "Processor" means a person registered pursuant to subsection A of § 3.2-4115 to process industrial
54 hemp.

55 "Process site" means the location at which a processor processes or intends to process industrial
56 hemp.

57 "Production field" means the land or area on which a grower or a federally licensed hemp producer
58 is growing or intends to grow industrial hemp.

59 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol,
60 including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts
61 of isomers is possible within the specific chemical designation and any preparation, mixture, or substance
62 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol.

63 "Tetrahydrocannabinol" includes delta-6a(10a), delta-7, delta-8, delta-9, and delta-10
64 tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and
65 geometric isomers.

66 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion
67 factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of
68 tetrahydrocannabinolic acid.

69 **§ 3.2-4113. Production of industrial hemp lawful.**

70 A. It is lawful for a grower, his agent, or a federally licensed hemp producer to grow, a ~~dealer~~
71 handler or his agent to ~~deal in~~ handle, or a processor or his agent to process industrial hemp in the
72 Commonwealth for any lawful purpose. No federally licensed hemp producer or grower or his agent shall
73 be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, 18.2-248, 18.2-248.01,
74 18.2-248.1, or 18.2-250 for the possession or growing of industrial hemp or any Cannabis sativa with a
75 tetrahydrocannabinol concentration that does not exceed the total ~~delta-9~~ tetrahydrocannabinol
76 concentration percentage established in federal regulations applicable to negligent violations located at 7
77 C.F.R. § 990.6(b)(3). No ~~dealer~~ handler or his agent or processor or his agent shall be prosecuted under
78 Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250

79 or issued a summons or judgment for the possession, ~~deal~~ handling, or processing of industrial hemp.
80 In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement
81 of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act (§
82 54.1-3400 et seq.), it shall not be necessary to negate any exception, excuse, proviso, or exemption
83 contained in this chapter or the Drug Control Act, and the burden of proof of any such exception, excuse,
84 proviso, or exemption shall be on the defendant.

85 B. Nothing in this chapter shall be construed to authorize any person to violate any federal law or
86 regulation.

87 C. No person shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247,
88 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 for the involuntary growth of industrial hemp through the
89 inadvertent natural spread of seeds or pollen as a result of proximity to a production field, ~~dealership~~
90 handler's storage site, or process site.

91 **§ 3.2-4114. Regulations.**

92 A. The Board may adopt regulations pursuant to this chapter as necessary to register persons to
93 grow, ~~deal in~~ handle, or process industrial hemp or implement the provisions of this chapter.

94 B. Upon publication by the U.S. Department of Agriculture in the Federal Register of any final
95 rule regarding industrial hemp that materially expands opportunities for growing, producing, or ~~deal in~~
96 handling industrial hemp in the Commonwealth, the Board shall immediately adopt amendments
97 conforming Department regulations to such federal final rule. Such adoption of regulations by the Board
98 shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

99 **§ 3.2-4114.2. Authority of Commissioner; notice to law enforcement; report.**

100 A. The Commissioner may charge a nonrefundable fee not to exceed \$250 for any application for
101 registration or renewal of registration allowed under this chapter. The Commissioner may charge a
102 nonrefundable fee for the tetrahydrocannabinol testing allowed under this chapter. All fees collected by
103 the Commissioner shall be deposited in the state treasury.

104 B. The Commissioner shall adopt regulations establishing a fee structure for a registration issued
105 pursuant to § 3.2-4115. With the exception of § 2.2-4031, no provision of the Administrative Process Act

106 (§ 2.2-4000 et seq.) or public participation guideline adopted pursuant thereto shall apply to the adoption
107 of any regulation pursuant to this subsection. However, prior to adopting any regulation pursuant to this
108 subsection, the Commissioner shall review the recommendation of an advisory panel that shall consider
109 the economic impact of any proposed fee amount on the Commonwealth's industrial hemp industry. The
110 advisory panel shall, at a minimum, include (i) an agribusiness representative or organization, (ii) a
111 farming representative or organization, and (iii) a hemp industry representative or organization. Prior to
112 adopting any regulation pursuant to this subsection, the Commissioner shall publish a notice of
113 opportunity to comment in the Virginia Register of Regulations and post the action on the Virginia
114 Regulatory Town Hall. Such notice shall contain (a) a summary of the proposed regulation; (b) the text of
115 the proposed regulation; and (c) the name, address, and telephone number of the agency contact person
116 responsible for receiving public comments. Such notice shall be made at least 60 days in advance of the
117 last date prescribed in such notice of submittals of public comment. The legislative review provisions of
118 subsections A and B of § 2.2-4014 shall apply to the promulgation or final adoption process of regulations
119 pursuant to this subsection. The Commissioner shall consider and keep on file all public comments
120 received for any regulation adopted pursuant to this subsection.

121 C. The Commissioner may establish an application period for a registration or renewal of
122 registration allowed under this chapter.

123 D. The Commissioner shall notify the Superintendent of State Police of each registration issued
124 by the Commissioner under this chapter and each license submitted to the Commissioner by a federally
125 licensed hemp producer.

126 E. The Commissioner shall forward a copy or appropriate electronic record of each registration
127 issued by the Commissioner under this chapter and each license submitted to the Commissioner by a
128 federally licensed hemp producer to the chief law-enforcement officer of the county or city where
129 industrial hemp will be grown, ~~dealt~~ handled, or processed.

130 F. The Commissioner may monitor the industrial hemp grown, ~~dealt~~ handled, or processed by a
131 person registered pursuant to ~~subsection A of~~ § 3.2-4115 and provide for random sampling and testing of
132 the industrial hemp in accordance with any criteria established by the Commissioner and at the cost of the

133 grower, ~~dealer~~ handler, or processor, for compliance with tetrahydrocannabinol limits and for other
134 appropriate purposes established pursuant to § 3.2-4114. In addition to any routine inspection and
135 sampling, the Commissioner may inspect and sample the industrial hemp at any production field,
136 ~~dealership~~ handler's storage site, or process site during normal business hours without advance notice if
137 he has reason to believe a violation of this chapter is occurring or has occurred.

138 G. The Commissioner may require a grower, ~~dealer~~ handler, or processor to destroy, at the cost of
139 the grower, ~~dealer~~ handler, or processor and in a manner approved of and verified by the Commissioner,
140 any Cannabis sativa that the grower grows, ~~in which the dealer deals~~ the handler handles, or ~~that~~ the
141 processor processes that has been tested and is found to have a concentration of tetrahydrocannabinol that
142 is greater than that allowed by federal law, or any Cannabis sativa product that the processor produces.

143 H. Notwithstanding the provisions of subsection G, if the provisions of subdivisions 1 and 2 are
144 included in a plan that (i) is submitted by the Department pursuant to § 10113 of the federal Agriculture
145 Improvement Act of 2018, P.L. 115-334, (ii) requires the Department to monitor and regulate the
146 production of industrial hemp in the Commonwealth, and (iii) is approved by the U.S. Secretary of
147 Agriculture:

148 1. The Commissioner may require a grower, ~~dealer~~ handler, or processor to destroy, at the cost of
149 the grower, ~~dealer~~ handler, or processor and in a manner approved of and verified by the Commissioner,
150 any Cannabis sativa that the grower grows, ~~in which the dealer deals~~ the handler handles, or ~~that~~ the
151 processor processes that has been tested and is found to have a concentration of tetrahydrocannabinol that
152 is greater than 0.6 percent.

153 2. If such a test of Cannabis sativa indicates a concentration of tetrahydrocannabinol that is greater
154 than 0.6 percent but less than one percent, the Commissioner shall allow the grower, ~~dealer~~ handler, or
155 processor to request that the Cannabis sativa be sampled and tested again before he requires its destruction.

156 I. The Commissioner shall advise the Superintendent of State Police or the chief law-enforcement
157 officer of the appropriate county or city when, with a culpable mental state greater than negligence, a
158 grower grows, ~~a dealer deals in~~ a handler handles, or a processor processes any Cannabis sativa with a

159 concentration of tetrahydrocannabinol that is greater than that allowed by federal law or a processor
160 produces a Cannabis sativa product.

161 J. The Commissioner may pursue any permits or waivers from the U.S. Drug Enforcement
162 Administration or appropriate federal agency that he determines to be necessary for the advancement of
163 the industrial hemp industry.

164 K. The Commissioner may establish a corrective action plan to address a negligent violation of
165 any provision of this chapter.

166 **§ 3.2-4115. Issuance of registrations; exemption.**

167 A. The Commissioner shall establish a registration program to allow a person to grow, ~~deal in~~
168 handle, or process industrial hemp in the Commonwealth.

169 B. Any person seeking to grow, ~~deal in~~ handle, or process industrial hemp in the Commonwealth
170 shall apply to the Commissioner for a registration on a form provided by the Commissioner. At a
171 minimum, the application shall include:

- 172 1. The name and mailing address of the applicant;
- 173 2. The legal description and geographic data sufficient for locating (i) the land on which the
174 applicant intends to grow industrial hemp, (ii) the site at which the applicant intends to ~~deal in~~ handle
175 industrial hemp, or (iii) the site at which the applicant intends to process industrial hemp. A registration
176 shall authorize industrial hemp growth, ~~dealing in~~ handling, or processing only at the location specified in
177 the registration;

178 3. A signed statement indicating whether the applicant has ever been convicted of a felony. A
179 person with a prior felony drug conviction within 10 years of applying for a registration under this section
180 shall not be eligible to be registered;

181 4. Written consent allowing the sheriff's office, police department, or Department of State Police,
182 if a registration is ultimately issued to the applicant, to enter the premises on which the industrial hemp is
183 grown, ~~deal in~~ handled, or processed to conduct physical inspections of the industrial hemp and to ensure
184 compliance with the requirements of this chapter. No more than two physical inspections shall be

185 conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued
186 by a court of competent jurisdiction;

187 5. Written consent allowing the Commissioner or his designee to enter the premises on which the
188 industrial hemp is grown, ~~dealt in~~ handled, or processed to conduct inspections and sampling of the
189 industrial hemp to ensure compliance with the requirements of this chapter;

190 6. A statement of the approximate square footage or acreage of the location he intends to use as a
191 production field, ~~dealership~~ handler's storage site, or process site;

192 7. Any other information required by the Commissioner; and

193 8. The payment of a nonrefundable application fee, in an amount set by the Commissioner.

194 C. Each registration issued pursuant to this section shall be valid for a period of one year from the
195 date of issuance and may be renewed in successive years. Each annual renewal shall require the payment
196 of a registration renewal fee, in an amount set by the Commissioner.

197 D. All records, data, and information filed in support of a registration application submitted
198 pursuant to this section and all information on a hemp producer license issued by the U.S. Department of
199 Agriculture submitted to the Commissioner pursuant to this section shall be considered proprietary and
200 excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

201 E. Notwithstanding the provisions of subsection B, no federally licensed hemp producer shall be
202 required to apply to the Commissioner for a registration to grow industrial hemp in the Commonwealth.
203 Each federally licensed hemp producer shall submit to the Commissioner a copy of his hemp producer
204 license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990.

205 **§ 3.2-4116. Registration conditions.**

206 A. A person who is not a federally licensed hemp producer shall obtain a registration pursuant to
207 subsection A of § 3.2-4115 prior to growing, ~~dealing in~~ handling, or processing any industrial hemp in the
208 Commonwealth.

209 B. A person issued a registration pursuant to subsection A of § 3.2-4115 shall:

210 1. Maintain records that reflect compliance with this chapter;

211 2. Retain all industrial hemp growing, ~~dealing~~ handling, or processing records for at least three
212 years;

213 3. Allow his production field, ~~dealership~~ handler's storage site, or process site to be inspected by
214 and at the discretion of the Commissioner or his designee, the Department of State Police, or the chief
215 law-enforcement officer of the locality in which the production field, ~~or dealership~~ handler's storage site,
216 or process site exists;

217 4. Allow the Commissioner or his designee to monitor and test the grower's, ~~dealer's~~ handler's, or
218 processor's industrial hemp for compliance with tetrahydrocannabinol levels and for other appropriate
219 purposes established pursuant to § 3.2-4114, at the cost of the grower, ~~dealer~~ handler, or processor; and

220 5. If required by the Commissioner, destroy, at the cost of the grower, ~~dealer~~ handler, or processor
221 and in a manner approved of and verified by the Commissioner, any Cannabis sativa that the grower
222 grows, ~~the dealer deals in~~ handler handles, or the processor processes that has been tested and, following
223 any re-sampling and retesting as authorized pursuant to the provisions of § 3.2-4114.2, is found to have a
224 concentration of tetrahydrocannabinol that is greater than that allowed by federal law, or any Cannabis
225 sativa product that the processor produces.

226 **§ 3.2-4118. Forfeiture of industrial hemp grower, handler, or processor registration;**
227 **violations.**

228 A. The Commissioner shall deny the application, or suspend or revoke the registration, of any
229 person who, with a culpable mental state greater than negligence, violates any provision of this chapter.
230 The Commissioner shall provide reasonable notice of an informal fact-finding conference pursuant to §
231 2.2-4019 to any person in connection with the denial, suspension, or revocation of a registration.

232 B. If a registration is revoked as the result of an informal hearing, the decision may be appealed,
233 and upon appeal an administrative hearing shall be conducted in accordance with the Administrative
234 Process Act (§ 2.2-4000 et seq.). The grower, ~~dealer~~ handler, or processor may appeal a final order to the
235 circuit court in accordance with the Administrative Process Act.

236 C. A person issued a registration pursuant to ~~subsection A of~~ § 3.2-4115 who negligently (i) fails
237 to provide a description and geographic data sufficient for locating his production field, ~~dealership~~

238 handler's storage site, or process site; (ii) grows, ~~deals in~~ handles, or processes Cannabis sativa with a
239 tetrahydrocannabinol concentration greater than that allowed by federal law; or (iii) produces a Cannabis
240 sativa product shall comply with any corrective action plan established by the Commissioner in
241 accordance with the provisions of subsection E. The Commissioner shall not deem a grower negligent if
242 such grower makes reasonable efforts to grow industrial hemp and grows Cannabis sativa with a
243 tetrahydrocannabinol concentration that does not exceed the total ~~delta-9~~ tetrahydrocannabinol
244 concentration percentage established in federal regulations applicable to negligent violations located at 7
245 C.F.R. § 990.6(b)(3).

246 D. A person who grows, ~~deals in~~ handles, or processes industrial hemp and who negligently fails
247 to register pursuant to ~~subsection A of § 3.2-4115~~ shall comply with any corrective action plan established
248 by the Commissioner in accordance with the provisions of subsection E.

249 E. A corrective action plan established by the Commissioner in response to a negligent violation
250 of a provision of this chapter shall identify a reasonable date by which the person who is the subject of the
251 plan shall correct the negligent violation and shall require such person to report periodically for not less
252 than two calendar years to the Commissioner on the person's compliance with the provisions of this
253 chapter.

254 F. No person who negligently violates the provisions of this chapter three times in a five-year
255 period shall be eligible to grow, ~~deal in~~ handle, or process industrial hemp for a period of five years
256 beginning on the date of the third violation.

257 **§ 3.2-4119. Eligibility to receive tobacco settlement funds.**

258 Industrial hemp growers, ~~dealers~~ handlers, or processors registered under this chapter or federally
259 licensed hemp producers may be eligible to receive funds from the Tobacco Indemnification and
260 Community Revitalization Fund established pursuant to § 3.2-3106.

261 **§ 3.2-5145.1. Definitions.**

262 As used in this article, unless the context requires a different meaning:

263 "Food" means any article that is intended for human consumption and introduction into commerce,
264 whether the article is simple, mixed, or compound, and all substances or ingredients used in the preparation
265 thereof. "Food" does not mean drug as defined in § 54.1-3401.

266 "Industrial hemp" means a Cannabis sativa plant that has a concentration of tetrahydrocannabinol
267 that is no greater than that allowed by federal law.

268 "Industrial hemp extract" means an extract (i) ~~of a Cannabis sativa plant that has a concentration~~
269 ~~of tetrahydrocannabinol that is no greater than that allowed for industrial hemp by federal law and~~, (ii)
270 that is intended for human consumption, and (iii) when offered for retail sale, that (a) contains a total
271 tetrahydrocannabinol concentration that is no greater than 0.3 percent and (b) contains no more than two
272 milligrams of total tetrahydrocannabinol per package. "Industrial hemp extract" is not a hemp seed-derived
273 ingredient that is approved by the U.S. Food and Drug Administration or is the subject of a generally
274 recognized as safe notice for which the U.S. Food and Drug Administration had no questions.

275 "Tetrahydrocannabinol" means the same as that term is defined in § 3.2-4112.

276 "Total tetrahydrocannabinol" means the same as that term is defined in § 3.2-4112.

277 **§ 3.2-5145.2:1. Sellers or manufacturers of industrial hemp extract; penalties.**

278 A. Any person who manufactures, sells, or offers for sale an industrial hemp extract or food
279 containing an industrial hemp extract shall be subject to the requirements of this chapter and regulations
280 adopted pursuant to this chapter.

281 B. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food
282 containing an industrial hemp extract without first obtaining a permit to do so from the Commissioner
283 pursuant to § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii)
284 continues to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial
285 hemp extract after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by
286 the Commissioner that he intends to manufacture, sell, or offer for sale a substance intended to be
287 consumed orally that contains an industrial hemp-derived cannabinoid; (iv) manufactures, sells, or offers
288 for sale a food that (a) has a total tetrahydrocannabinol concentration that is greater than 0.3 percent or (b)
289 contains more than two milligrams of total tetrahydrocannabinol per package; (v) manufactures, offers for

290 sale, or sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance
291 intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived
292 cannabinoid; or (vi) otherwise violates any provision of this chapter or a regulation adopted pursuant to
293 this chapter, in addition to any other penalties provided, is subject to a civil penalty not to exceed \$10,000
294 for each day a violation occurs. Such penalty shall be collected by the Commissioner and the proceeds
295 shall be payable to the State Treasurer for remittance to the Department.

296 C. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food
297 containing an industrial hemp extract without first obtaining a permit to do so from the Commissioner
298 pursuant to § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii)
299 continues to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial
300 hemp extract after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by
301 the Commissioner that he intends to manufacture, sell, or offer for sale a substance intended to be
302 consumed orally that contains an industrial hemp-derived cannabinoid; (iv) manufactures, offers for sale,
303 or sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to
304 be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or
305 (v) otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in
306 addition to any other penalties provided, is guilty of a Class 1 misdemeanor. Each day in which a violation
307 occurs shall constitute a separate offense.

308 D. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-400 et seq.),
309 deny, suspend, or revoke a permit issued pursuant to § 3.2-5100 if the permitted entity is found to have
310 violated subdivision A 69, 70, 71, 72, 73, or 74 of § 59.1-200 by a court of competent jurisdiction.

311 E. This section shall not apply to a person authorized to offer for sale or sell products that are (i)
312 approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act
313 (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title
314 54.1.

315 **§ 3.2-5145.4. Industrial hemp extract requirements.**

316 A. An industrial hemp extract shall (i) be produced from industrial hemp grown in compliance
317 with applicable law and (ii) ~~notwithstanding any authority under federal law to have a greater~~
318 ~~concentration of tetrahydrocannabinol~~, when offered for retail sale, (a) have a total tetrahydrocannabinol
319 concentration of no greater than 0.3 percent and (b) contain no more than two milligrams of total
320 tetrahydrocannabinol per package.

321 B. In addition to the requirements of this chapter, an industrial hemp extract or food containing an
322 industrial hemp extract shall comply with regulations adopted by the Board pursuant to § 3.2-5145.5.

323 **§ 3.2-5145.4:1. Labeling and packaging requirements.**

324 A. An industrial hemp extract or food containing an industrial hemp extract shall be contained in
325 child-resistant packaging, as defined in § 4.1-600.

326 B. An industrial hemp extract or food containing an industrial hemp extract shall be packaged and
327 equipped with a label that states, in English and in a font no less than 1/16 of an inch, (i) all ingredients
328 contained in the industrial hemp extract or food containing an industrial hemp extract, (ii) the amount of
329 such industrial hemp extract or food containing an industrial hemp extract that constitutes a single serving,
330 and (iii) the number of milligrams and percent of total tetrahydrocannabinol per serving and number of
331 milligrams and percent of total tetrahydrocannabinol per package.

332 C. Any industrial hemp extract or food containing an industrial hemp extract that contains
333 tetrahydrocannabinol (i) shall be equipped with a label that states that the industrial hemp extract or food
334 containing an industrial hemp extract contains tetrahydrocannabinol and (ii) may not be sold to persons
335 younger than 21 years of age.

336 D. An industrial hemp extract or food containing an industrial hemp extract, when offered for retail
337 sale, shall be accompanied by a certificate of analysis, produced by an independent laboratory that is
338 registered with the U.S. Drug Enforcement Administration and is accredited pursuant to standard ISO/IEC
339 17025 of the International Organization for Standardization by a third-party accrediting body, that states
340 the total tetrahydrocannabinol concentration of the substance or the total tetrahydrocannabinol
341 concentration of the batch from which the substance originates. The certificate of accreditation pursuant
342 to standard ISO/IEC 17025 issued by the third-party accrediting body to the independent laboratory shall

343 be available for review at the location at which the industrial hemp extract or food containing an industrial
344 hemp extract is offered for sale or sold.

345 E. A manufacturer shall identify each batch of an industrial hemp extract or a food containing an
346 industrial hemp extract with a unique code for traceability. Julian date coding or any other system
347 developed and documented by the manufacturer for assigning a unique code to a batch may be used. The
348 batch identification shall appear and be legible on the label of an industrial hemp extract or food containing
349 an industrial hemp extract.

350 F. The label of an industrial hemp extract or food containing an industrial hemp extract shall not
351 contain a claim indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention
352 of disease, which shall render the product a drug, as that term is defined in 21 U.S.C. § 321(g)(1). An
353 industrial hemp extract or food containing an industrial hemp extract with a label that contains a claim
354 indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention of disease shall
355 be considered misbranded.

356 **§ 3.2-5145.5. Regulations.**

357 A. The Board is authorized to adopt regulations for the efficient enforcement of this article.

358 B. The Board shall adopt regulations identifying contaminants of an industrial hemp extract or a
359 food containing an industrial hemp extract and establishing tolerances for such identified contaminants.

360 ~~C. The Board shall adopt regulations establishing labeling requirements for an industrial hemp~~
361 ~~extract or a food containing an industrial hemp extract. Such regulations shall require that any industrial~~
362 ~~hemp extract or food containing an industrial hemp extract that contains tetrahydrocannabinol be equipped~~
363 ~~with a label that states (i) that the industrial hemp extract or food containing an industrial hemp extract~~
364 ~~contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (ii) all~~
365 ~~ingredients contained in the industrial hemp extract or food containing an industrial hemp extract, (iii) the~~
366 ~~amount of such industrial hemp extract or food containing an industrial hemp extract that constitutes a~~
367 ~~single serving, and (iv) the total percentage and milligrams of tetrahydrocannabinol included in the~~
368 ~~industrial hemp extract or food containing an industrial hemp extract and the number of milligrams of~~
369 ~~tetrahydrocannabinol that are contained in each serving.~~

370 ~~D.~~ The Board shall adopt regulations establishing batch testing requirements for industrial hemp
371 extracts. The Board shall require that batch testing of industrial hemp extracts be conducted by an
372 independent testing laboratory that meets criteria established by the Board.

373 ~~E.~~D. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act
374 (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption
375 of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the
376 Board shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post
377 the action on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i)
378 a summary of the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address,
379 and telephone number of the agency contact person responsible for receiving public comments. Such
380 notice shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of
381 public comment. The legislative review provisions of subsections A and B of § 2.2-4014 shall apply to
382 the promulgation or final adoption process for regulations pursuant to this section. The Board shall
383 consider and keep on file all public comments received for any regulation adopted pursuant to this section.

384 **§ 4.1-600. Definitions.**

385 As used in this subtitle, unless the context requires a different meaning:

386 "Advertisement" or "advertising" means any written or verbal statement, illustration, or depiction
387 that is calculated to induce sales of retail marijuana, retail marijuana products, marijuana plants, or
388 marijuana seeds, including any written, printed, graphic, digital, electronic, or other material, billboard,
389 sign, or other outdoor display, publication, or radio or television broadcast.

390 "Authority" means the Virginia Cannabis Control Authority created pursuant to this subtitle.

391 "Board" means the Board of Directors of the Virginia Cannabis Control Authority.

392 "Cannabis Control Act" means Subtitle II (§ 4.1-600 et seq.).

393 "Child-resistant" means, with respect to packaging or a container, (i) specially designed or
394 constructed to be significantly difficult for a typical child under five years of age to open and not to be
395 significantly difficult for a typical adult to open and reseal and (ii) for any product intended for more than
396 a single use or that contains multiple servings, resealable.

397 "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing,
398 grading, trimming, or other similar processing of marijuana for use or sale. "Cultivation" or "cultivate"
399 does not include manufacturing or testing.

400 "Edible marijuana product" means a marijuana product intended to be consumed orally, including
401 marijuana intended to be consumed orally or marijuana concentrate intended to be consumed orally.

402 "Immature plant" means a nonflowering marijuana plant that is no taller than eight inches and no
403 wider than eight inches, is produced from a cutting, clipping, or seedling, and is growing in a container.

404 "Licensed" means the holding of a valid license granted by the Authority.

405 "Licensee" means any person to whom a license has been granted by the Authority.

406 "Manufacturing" or "manufacture" means the production of marijuana products or the blending,
407 infusing, compounding, or other preparation of marijuana and marijuana products, including marijuana
408 extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not
409 include cultivation or testing.

410 "Marijuana" means any part of a plant of the genus Cannabis, whether growing or not, its seeds or
411 resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds,
412 its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature
413 stalks of such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless
414 such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis. ~~"Marijuana"~~
415 ~~does not include (i); (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered~~
416 ~~pursuant to subsection A of § 3.2-4115 or his agent or (ii); (iii) industrial hemp, as defined in § 3.2-4112,~~
417 ~~that is possessed by a person who holds a hemp producer license issued by the U.S. Department of~~
418 ~~Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp product, as defined in § 3.2-4112, containing a~~
419 ~~tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as~~
420 ~~defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; (v) an~~
421 ~~industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance containing a~~
422 ~~tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that has been placed~~

423 by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.)
424 pursuant to § 54.1-3443.

425 "Marijuana concentrate" means marijuana that has undergone a process to concentrate one or more
426 active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a
427 marijuana plant is a concentrate for purposes of this subtitle.

428 "Marijuana cultivation facility" means a facility licensed under this subtitle to cultivate, label, and
429 package retail marijuana; to purchase or take possession of marijuana plants and seeds from other
430 marijuana cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana
431 plants, and marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession of
432 and sell retail marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities;
433 to transfer possession of and sell retail marijuana to marijuana manufacturing facilities; and to sell
434 immature marijuana plants and marijuana seeds to consumers for the purpose of cultivating marijuana at
435 home for personal use.

436 "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a
437 marijuana manufacturing facility, a marijuana wholesaler, or a retail marijuana store.

438 "Marijuana manufacturing facility" means a facility licensed under this subtitle to manufacture,
439 label, and package retail marijuana and retail marijuana products; to purchase or take possession of retail
440 marijuana from a marijuana cultivation facility or another marijuana manufacturing facility; and to transfer
441 possession of and sell retail marijuana and retail marijuana products to marijuana wholesalers, retail
442 marijuana stores, or other marijuana manufacturing facilities.

443 "Marijuana paraphernalia" means all equipment, products, and materials of any kind that are either
444 designed for use or are intended for use in planting, propagating, cultivating, growing, harvesting,
445 manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing,
446 packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into
447 the human body marijuana.

448 "Marijuana products" means (i) products that are composed of marijuana and other ingredients and
449 are intended for use or consumption, ointments, and tinctures or (ii) marijuana concentrate.

450 "Marijuana testing facility" means a facility licensed under this subtitle to develop, research, or
451 test marijuana, marijuana products, and other substances.

452 "Marijuana wholesaler" means a facility licensed under this subtitle to purchase or take possession
453 of retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds from a
454 marijuana cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and to
455 transfer possession and sell or resell retail marijuana, retail marijuana products, immature marijuana
456 plants, and marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail
457 marijuana store, or another marijuana wholesaler.

458 "Non-retail marijuana" means marijuana that is not cultivated, manufactured, or sold by a licensed
459 marijuana establishment.

460 "Non-retail marijuana products" means marijuana products that are not manufactured and sold by
461 a licensed marijuana establishment.

462 "Place or premises" means the real estate, together with any buildings or other improvements
463 thereon, designated in the application for a license as the place at which the cultivation, manufacture, sale,
464 or testing of retail marijuana or retail marijuana products shall be performed, except that portion of any
465 such building or other improvement actually and exclusively used as a private residence.

466 "Public place" means any place, building, or conveyance to which the public has, or is permitted
467 to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels,
468 and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any
469 highway, street, or lane.

470 "Residence" means any building or part of a building or structure where a person resides, but does
471 not include any part of a building that is not actually and exclusively used as a private residence, nor any
472 part of a hotel or club other than a private guest room thereof.

473 "Retail marijuana" means marijuana that is cultivated, manufactured, or sold by a licensed
474 marijuana establishment.

475 "Retail marijuana products" means marijuana products that are manufactured and sold by a
476 licensed marijuana establishment.

477 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession
478 of retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a
479 marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail
480 marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

481 "Sale" and "sell" includes soliciting or receiving an order for; keeping, offering, or exposing for
482 sale; peddling, exchanging, or bartering; or delivering otherwise than gratuitously, by any means, retail
483 marijuana or retail marijuana products.

484 "Special agent" means an employee of the Virginia Cannabis Control Authority whom the Board
485 has designated as a law-enforcement officer pursuant to this subtitle.

486 "Testing" or "test" means the research and analysis of marijuana, marijuana products, or other
487 substances for contaminants, safety, or potency. "Testing" or "test" does not include cultivation or
488 manufacturing.

489 "Tetrahydrocannabinol" means the same as that term is defined in § 3.2-4112.

490 "Total tetrahydrocannabinol" means the same as that term is defined in § 3.2-4112.

491 **§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V,**
492 **and VI," "imitation controlled substance," and "counterfeit controlled substance" in Title 18.2.**

493 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V, and VI" are used
494 in Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§ 54.1-
495 3400 et seq.).

496 B. The term "imitation controlled substance" when used in this article means (i) a counterfeit
497 controlled substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever which is not a
498 controlled substance subject to abuse, and:

499 1. Which by overall dosage unit appearance, including color, shape, size, marking and packaging
500 or by representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any
501 other form whatsoever will be mistaken for a controlled substance unless such substance was introduced
502 into commerce prior to the initial introduction into commerce of the controlled substance which it is
503 alleged to imitate; or

504 2. Which by express or implied representations purports to act like a controlled substance as a
505 stimulant or depressant of the central nervous system and which is not commonly used or recognized for
506 use in that particular formulation for any purpose other than for such stimulant or depressant effect, unless
507 marketed, promoted, or sold as permitted by the U.S. Food and Drug Administration.

508 C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an
509 "imitation controlled substance," there shall be considered, in addition to all other relevant factors,
510 comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal
511 purposes rather than for drug abuse or any similar nonmedicinal use, including consideration of the
512 packaging of the drug and its appearance in overall finished dosage form, promotional materials or
513 representations, oral or written, concerning the drug, and the methods of distribution of the drug and where
514 and how it is sold to the public.

515 D. The term "marijuana" when used in this article means any part of a plant of the genus Cannabis,
516 whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or
517 preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids.
518 "Marijuana" does not include (i) the mature stalks of such plant, fiber produced from such stalk, oil or
519 cake made from the seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts
520 of plants of the genus Cannabis. ~~Marijuana does not include (i);~~ (ii) industrial hemp, as defined in § 3.2-
521 4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; ~~(ii) (iii)~~ (iii)
522 industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license
523 issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; ~~or (iii) (iv)~~ (iv) a hemp product,
524 as defined in § 3.2-4112, ~~containing a tetrahydrocannabinol concentration of no greater than 0.3 percent~~
525 ~~that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in~~
526 ~~compliance with state or federal law;~~ (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any
527 substance containing a tetrahydrocannabinol isomer, ester, ether, salt or salts of such isomer, ester, or ether
528 that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act
529 (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

530 E. The term "counterfeit controlled substance" means a controlled substance that, without
531 authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear, the
532 trademark, trade name, or other identifying mark, imprint or device or any likeness thereof, of a drug
533 manufacturer, processor, packer, or distributor other than the manufacturer, processor, packer, or
534 distributor who did in fact so manufacture, process, pack or distribute such drug.

535 F. The term "tetrahydrocannabinol" means any naturally occurring or synthetic
536 tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such
537 salts, isomers, and salts of isomers is possible within the specific chemical designation and any
538 preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of
539 tetrahydrocannabinol. "Tetrahydrocannabinol" includes delta-6a(10a), delta-7, delta-8, delta-9, and delta-
540 10-tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and
541 geometric isomers.

542 G. The term "total tetrahydrocannabinol" means the sum, after the application of any necessary
543 conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of
544 tetrahydrocannabinolic acid.

545 H. The Department of Forensic Science shall determine the proper methods for detecting the
546 concentration of ~~delta-9-tetrahydrocannabinol (THC)~~ tetrahydrocannabinol in substances for the purposes
547 of this title, Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, and §§ § 54.1-3401 and 54.1-3446. The testing
548 methodology shall use post-decarboxylation testing or other equivalent method and shall consider the
549 potential conversion of ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinolic acid (THC-A) into ~~THC~~
550 tetrahydrocannabinol. ~~The test result shall include the total available THC derived from the sum of the~~
551 ~~THC and THC-A content.~~

552 **§ 18.2-251.1:3. Possession or distribution of cannabis oil, or industrial hemp; laboratories;**
553 **Department of Agriculture and Consumer Services, Department of Law employees.**

554 A. No person employed by an analytical laboratory to retrieve, deliver, or possess cannabis oil or
555 industrial hemp samples from a permitted pharmaceutical processor, a registered industrial hemp grower,
556 a federally licensed hemp producer, or a registered industrial hemp processor for the purpose of

557 performing required testing shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or §
558 18.2-248, 18.2-248.1, 18.2-250, or 18.2-255 for the possession or distribution of cannabis oil or industrial
559 hemp or for storing cannabis oil or industrial hemp for testing purposes in accordance with regulations
560 promulgated by the Board of Pharmacy and the Board of Agriculture and Consumer Services.

561 B. No employee of the Department of Agriculture and Consumer Services or of the Department of
562 Law shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 for the
563 possession or distribution of industrial hemp or any substance containing tetrahydrocannabinol when
564 possession of industrial hemp or any substance containing tetrahydrocannabinol is necessary in the
565 performance of his duties.

566 **§ 18.2-371.2. Prohibiting purchase or possession of tobacco products, nicotine vapor**
567 **products, alternative nicotine products, and hemp products intended for smoking by a person under**
568 **21 years of age or sale of tobacco products, nicotine vapor products, alternative nicotine products,**
569 **and hemp products intended for smoking to persons under 21 years of age; civil penalties.**

570 A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any
571 person less than 21 years of age, knowing or having reason to believe that such person is less than 21 years
572 of age, any tobacco product, nicotine vapor product, alternative nicotine product, or hemp product
573 intended for smoking.

574 Tobacco products, nicotine vapor products, alternative nicotine products, and hemp products
575 intended for smoking may be sold from a vending machine only if the machine is (i) posted with a notice,
576 in a conspicuous manner and place, indicating that the purchase or possession of such products by persons
577 under 21 years of age is unlawful and (ii) located in a place that is not open to the general public and is
578 not generally accessible to persons under 21 years of age. An establishment that prohibits the presence of
579 persons under 21 years of age unless accompanied by a person 21 years of age or older is not open to the
580 general public.

581 B. No person less than 21 years of age shall attempt to purchase, purchase, or possess any tobacco
582 product, nicotine vapor product, alternative nicotine product, or hemp product intended for smoking. The
583 provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine vapor

584 products, alternative nicotine products, or hemp products intended for smoking by a person less than 21
585 years of age (i) making a delivery of tobacco products, nicotine vapor products, alternative nicotine
586 products, or hemp products intended for smoking in pursuance of his employment or (ii) as part of a
587 scientific study being conducted by an organization for the purpose of medical research to further efforts
588 in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such
589 medical research has been approved by an institutional review board pursuant to applicable federal
590 regulations or by a research review committee pursuant to Chapter 5.1 (§ 32.1-162.16 et seq.) of Title
591 32.1. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement
592 officer or his agent when the same is necessary in the performance of his duties.

593 C. No person shall sell a tobacco product, nicotine vapor product, alternative nicotine product, or
594 hemp product intended for smoking to any individual who does not demonstrate, by producing a driver's
595 license or similar photo identification issued by a government agency, that the individual is at least 21
596 years of age. Such identification is not required from an individual whom the person has reason to believe
597 is at least 21 years of age or who the person knows is at least 21 years of age. Proof that the person
598 demanded, was shown, and reasonably relied upon a photo identification stating that the individual was
599 at least 21 years of age shall be a defense to any action brought under this subsection. In determining
600 whether a person had reason to believe an individual is at least 21 years of age, the trier of fact may
601 consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner
602 of the individual.

603 This subsection shall not apply to mail order or Internet sales, provided that the person offering
604 the tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for
605 smoking for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine
606 vapor product, alternative nicotine product, or hemp product intended for smoking verifies that the
607 purchaser is at least 21 years of age through a commercially available database that is regularly used by
608 businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method
609 of mailing, shipping, or delivery that requires the signature of a person at least 21 years of age before the

610 tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for
611 smoking will be released to the purchaser.

612 D. The provisions of subsections B and C shall not apply to the sale, giving, or furnishing of any
613 tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for
614 smoking to any active duty military personnel who are 18 years of age or older. An identification card
615 issued by the Armed Forces of the United States shall be accepted as proof of age for this purpose.

616 E. A violation of subsection A or C by an individual or by a separate retail establishment that
617 involves a nicotine vapor product, alternative nicotine product, hemp product intended for smoking, or
618 tobacco product other than a bidi is punishable by a civil penalty not to exceed \$100 for a first violation,
619 a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third
620 or subsequent violation.

621 A violation of subsection A or C by an individual or by a separate retail establishment that involves
622 the sale, distribution, or purchase of a bidi is punishable by a civil penalty in the amount of \$500 for a first
623 violation, a civil penalty in the amount of \$1,000 for a second violation, and a civil penalty in the amount
624 of \$2,500 for a third or subsequent violation. Where a defendant retail establishment offers proof that it
625 has trained its employees concerning the requirements of this section, the court shall suspend all of the
626 penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so
627 train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties
628 imposed hereunder for a violation of subsection A or C involving a nicotine vapor product, alternative
629 nicotine product, hemp product intended for smoking, or tobacco product other than a bidi.

630 A violation of subsection B is punishable by a civil penalty not to exceed \$100 for a first violation
631 and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative
632 to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of
633 community service for a first violation of subsection B and up to 40 hours of community service for a
634 second or subsequent violation. If the defendant fails or refuses to complete the community service as
635 prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter
636 an order pursuant to subdivision A 9 of § 16.1-278.8.

637 Any attorney for the Commonwealth of the county or city in which an alleged violation occurred
638 may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-
639 enforcement officer may issue a summons for a violation of subsection A, B, or C.

640 F. 1. Cigarettes and hemp products intended for smoking shall be sold only in sealed packages
641 provided by the manufacturer, with the required health warning. The proprietor of every retail
642 establishment that offers for sale any tobacco product, nicotine vapor product, alternative nicotine product,
643 or hemp product intended for smoking shall post in a conspicuous manner and place a sign or signs
644 indicating that the sale of tobacco products, nicotine vapor products, alternative nicotine products, or hemp
645 products intended for smoking to any person under 21 years of age is prohibited by law. Any attorney for
646 the county, city, or town in which an alleged violation of this subsection occurred may enforce this
647 subsection by civil action to recover a civil penalty not to exceed ~~\$50~~ \$500. The civil penalty shall be paid
648 into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which
649 instituted the action.

650 2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health
651 Services Administration published at 61 Federal Register 1492, the Department of Agriculture and
652 Consumer Services may promulgate regulations which allow the Department to undertake the activities
653 necessary to comply with such regulations.

654 3. Any attorney for the county, city, or town in which an alleged violation of this subsection
655 occurred may enforce this subsection by civil action to recover a civil penalty not to exceed ~~\$100~~ \$500.
656 The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to
657 the county, city, or town which instituted the action.

658 G. Nothing in this section shall be construed to create a private cause of action.

659 H. Agents of the Virginia Alcoholic Beverage Control Authority designated pursuant to § 4.1-105
660 may issue a summons for any violation of this section.

661 I. As used in this section:

662 "Alternative nicotine product" means any noncombustible product containing nicotine that is
663 intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.

664 "Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product
665 regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21
666 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

667 "Bidi" means a product containing tobacco that is wrapped in temburni leaf (diospyros
668 melanoxyton) or tendu leaf (diospyros exculpra), or any other product that is offered to, or purchased by,
669 consumers as a bidi or beedie.

670 "Hemp product" means the same as that term is defined in § 3.2-4112.

671 "Nicotine vapor product" means any noncombustible product containing nicotine that employs a
672 heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means,
673 regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form.

674 "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic
675 pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other
676 form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo,
677 electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product
678 regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic
679 Act.

680 "Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless
681 tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor
682 product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C.
683 § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

684 "Wrappings" includes papers made or sold for covering or rolling tobacco or other materials for
685 smoking in a manner similar to a cigarette or cigar.

686 **§ 54.1-3401. Definitions.**

687 As used in this chapter, unless the context requires a different meaning:

688 "Administer" means the direct application of a controlled substance, whether by injection,
689 inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner

690 or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and
691 in the presence of the practitioner.

692 "Advertisement" means all representations disseminated in any manner or by any means, other
693 than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the
694 purchase of drugs or devices.

695 "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer,
696 distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or
697 employee of the carrier or warehouseman.

698 "Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically
699 related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

700 "Animal" means any nonhuman animate being endowed with the power of voluntary action.

701 "Automated drug dispensing system" means a mechanical or electronic system that performs
702 operations or activities, other than compounding or administration, relating to pharmacy services,
703 including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of
704 all transaction information, to provide security and accountability for such drugs.

705 "Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood
706 component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or
707 analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic
708 arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human
709 beings.

710 "Biosimilar" means a biological product that is highly similar to a specific reference biological
711 product, notwithstanding minor differences in clinically inactive compounds, such that there are no
712 clinically meaningful differences between the reference biological product and the biological product that
713 has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of
714 the product.

715 "Board" means the Board of Pharmacy.

716 "Bulk drug substance" means any substance that is represented for use, and that, when used in the
717 compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a
718 finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are
719 used in the synthesis of such substances.

720 "Change of ownership" of an existing entity permitted, registered, or licensed by the Board means
721 (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns
722 or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership,
723 or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the
724 outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a
725 wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting
726 stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the
727 merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary
728 owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's
729 charter.

730 "Co-licensed partner" means a person who, with at least one other person, has the right to engage
731 in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

732 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into
733 a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by
734 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or
735 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in
736 expectation of receiving a valid prescription based on observed historical patterns of prescribing and
737 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an
738 incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course
739 of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical
740 analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's
741 product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine
742 or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner

743 pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed
744 nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered
745 compounding.

746 "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through
747 VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those
748 terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled
749 substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory
750 authority in subsection D of § 54.1-3443.

751 "Controlled substance analog" means a substance the chemical structure of which is substantially
752 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a
753 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar
754 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a
755 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person
756 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous
757 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on
758 the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog"
759 does not include (a) any substance for which there is an approved new drug application as defined under
760 § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as
761 safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21
762 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance
763 for which an exemption is in effect for investigational use for that person under § 505 of the federal Food,
764 Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such
765 exemption; or (c) any substance to the extent not intended for human consumption before such an
766 exemption takes effect with respect to that substance.

767 "DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor
768 agency.

769 "Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated
770 by this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI
771 prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a
772 manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor,
773 warehouser, nonresident warehouser, third-party logistics provider, or nonresident third-party logistics
774 provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

775 "Device" means instruments, apparatus, and contrivances, including their components, parts, and
776 accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man
777 or animals or to affect the structure or any function of the body of man or animals.

778 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified
779 by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1
780 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or
781 a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-
782 certified renal dialysis facility.

783 "Dialysis solution" means either the commercially available, unopened, sterile solutions whose
784 purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal
785 dialysis, or commercially available solutions whose purpose is to be used in the performance of
786 hemodialysis not to include any solutions administered to the patient intravenously.

787 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the
788 lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or
789 compounding necessary to prepare the substance for that delivery. However, dispensing shall not include
790 the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites
791 operated by such practitioner or that practitioner's medical practice for the purpose of administration of
792 such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For
793 practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a
794 practitioner to patients to take with them away from the practitioner's place of practice.

795 "Dispenser" means a practitioner who dispenses.

796 "Distribute" means to deliver other than by administering or dispensing a controlled substance.

797 "Distributor" means a person who distributes.

798 "Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia
799 National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to
800 any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or
801 prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the
802 structure or any function of the body of man or animals; (iv) articles or substances intended for use as a
803 component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not
804 include devices or their components, parts, or accessories.

805 "Drug product" means a specific drug in dosage form from a known source of manufacture,
806 whether by brand or therapeutically equivalent drug product name.

807 "Electronic prescription" means a written prescription that is generated on an electronic application
808 and is transmitted to a pharmacy as an electronic data file; Schedule II through V prescriptions shall be
809 transmitted in accordance with 21 C.F.R. Part 1300.

810 "Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an
811 electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy
812 form.

813 "FDA" means the U.S. Food and Drug Administration.

814 "Immediate precursor" means a substance which the Board of Pharmacy has found to be and by
815 regulation designates as being the principal compound commonly used or produced primarily for use, and
816 which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled
817 substance, the control of which is necessary to prevent, curtail, or limit manufacture.

818 "Interchangeable" means a biosimilar that meets safety standards for determining
819 interchangeability pursuant to 42 U.S.C. § 262(k)(4).

820 "Label" means a display of written, printed, or graphic matter upon the immediate container of any
821 article. A requirement made by or under authority of this chapter that any word, statement, or other
822 information appear on the label shall not be considered to be complied with unless such word, statement,

823 or other information also appears on the outside container or wrapper, if any, of the retail package of such
824 article or is easily legible through the outside container or wrapper.

825 "Labeling" means all labels and other written, printed, or graphic matter on an article or any of its
826 containers or wrappers, or accompanying such article.

827 "Manufacture" means the production, preparation, propagation, conversion, or processing of any
828 item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin,
829 or independently by means of chemical synthesis, or by a combination of extraction and chemical
830 synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its
831 container. This term does not include compounding.

832 "Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a
833 repackager.

834 "Marijuana" means any part of a plant of the genus Cannabis whether growing or not, its seeds, or
835 its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its
836 seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the
837 mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such
838 plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis;
839 ~~Marijuana does not include (i);~~ (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person
840 registered pursuant to subsection A of § 3.2-4115 or his agent; ~~(ii);~~ (iii) industrial hemp, as defined in §
841 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department
842 of Agriculture pursuant to 7 C.F.R. Part 990; ~~or (iii);~~ (iv) a hemp product, as defined in § 3.2-4112,
843 ~~containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from~~
844 ~~industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or~~
845 ~~federal law;~~ (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance containing a
846 tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that has been placed
847 by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.)
848 pursuant to § 54.1-3443.

849 "Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to
850 the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles,
851 medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no
852 medicinal properties that are used for the operation and cleaning of medical equipment, solutions for
853 peritoneal dialysis, and sterile water or saline for irrigation.

854 "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction
855 from substances of vegetable origin, or independently by means of chemical synthesis, or by a
856 combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative,
857 or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof
858 which is chemically equivalent or identical with any of the substances referred to in clause (i), but not
859 including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and
860 any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative,
861 or preparation thereof which is chemically equivalent or identical with any of these substances, but not
862 including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

863 "New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing
864 a new animal drug, the composition of which is such that such drug is not generally recognized, among
865 experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as
866 safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling,
867 except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to
868 the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and
869 if at such time its labeling contained the same representations concerning the conditions of its use, or (ii)
870 any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the
871 composition of which is such that such drug, as a result of investigations to determine its safety and
872 effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than
873 in such investigations, been used to a material extent or for a material time under such conditions.

874 "Nuclear medicine technologist" means an individual who holds a current certification with the
875 American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification
876 Board.

877 "Official compendium" means the official United States Pharmacopoeia National Formulary,
878 official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

879 "Official written order" means an order written on a form provided for that purpose by the U.S.
880 Drug Enforcement Administration, under any laws of the United States making provision therefor, if such
881 order forms are authorized and required by federal law, and if no such order form is provided then on an
882 official form provided for that purpose by the Board of Pharmacy.

883 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability
884 similar to morphine or being capable of conversion into a drug having such addiction-forming or
885 addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article
886 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
887 (dextromethorphan). It does include its racemic and levorotatory forms.

888 "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

889 "Original package" means the unbroken container or wrapping in which any drug or medicine is
890 enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for
891 use in the delivery or display of such article.

892 "Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is
893 currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and
894 that complies with all applicable requirements of federal and state law, including the Federal Food, Drug,
895 and Cosmetic Act.

896 "Person" means both the plural and singular, as the case demands, and includes an individual,
897 partnership, corporation, association, governmental agency, trust, or other institution or entity.

898 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the
899 application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant
900 pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale

901 and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the
902 pharmacy and the pharmacy's personnel as required by § 54.1-3432.

903 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

904 "Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01,
905 licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified
906 optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator,
907 or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and
908 administer, or conduct research with respect to a controlled substance in the course of professional practice
909 or research in the Commonwealth.

910 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to
911 issue a prescription.

912 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by
913 word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed
914 physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such
915 drugs or medical supplies.

916 "Prescription drug" means any drug required by federal law or regulation to be dispensed only
917 pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of
918 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

919 "Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting
920 of a controlled substance or marijuana.

921 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken,
922 original package which does not contain any controlled substance or marijuana as defined in this chapter
923 and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general
924 public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name,
925 or other trade symbol privately owned, and the labeling of which conforms to the requirements of this
926 chapter and applicable federal law. However, this definition shall not include a drug that is only advertised
927 or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that

928 may be dispensed only upon prescription or the label of which bears substantially the statement "Warning
929 — may be habit-forming," or a drug intended for injection.

930 "Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei
931 with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or
932 radionuclide generator that is intended to be used in the preparation of any such substance, but does not
933 include drugs such as carbon-containing compounds or potassium-containing salts that include trace
934 quantities of naturally occurring radionuclides. The term also includes any biological product that is
935 labeled with a radionuclide or intended solely to be labeled with a radionuclide.

936 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.
937 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and
938 Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42
939 U.S.C. § 262(k).

940 "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any
941 person, whether as an individual, proprietor, agent, servant, or employee.

942 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol,
943 including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts
944 of isomers is possible within the specific chemical designation and any preparation, mixture, or substance
945 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol.

946 "Tetrahydrocannabinol" includes delta-6a(10a), delta-7, delta-8, delta-9, and delta-10
947 tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and
948 geometric isomers.

949 "Therapeutically equivalent drug products" means drug products that contain the same active
950 ingredients and are identical in strength or concentration, dosage form, and route of administration and
951 that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant
952 to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the
953 Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange
954 Book."

955 "Third-party logistics provider" means a person that provides or coordinates warehousing of or
956 other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale
957 distributor, or dispenser of the drug or device but does not take ownership of the product or have
958 responsibility for directing the sale or disposition of the product.

959 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion
960 factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of
961 tetrahydrocannabinolic acid.

962 "USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

963 "Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party
964 logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or
965 devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription
966 devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state
967 or local tax by reason of this definition.

968 "Wholesale distribution" means (i) distribution of prescription drugs to persons other than
969 consumers or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or
970 consumer pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain
971 Security Act.

972 "Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed
973 partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

974 The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter
975 shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses
976 or lenses for the eyes.

977 The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be
978 defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

979 **§ 54.1-3408.3. Certification for use of cannabis oil for treatment.**

980 A. As used in this section:

981 "Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same
982 parts of the same chemovar of cannabis plant.

983 "Cannabis oil" means any formulation of processed Cannabis plant extract, which may include
984 industrial hemp extracts, including isolates and distillates, acquired by a pharmaceutical processor
985 pursuant to § 54.1-3442.6, or a dilution of the resin of the Cannabis plant that contains no more than 10
986 milligrams of ~~delta-9 tetrahydrocannabinol~~ tetrahydrocannabinol per dose. "Cannabis oil" does not
987 include industrial hemp, as defined in § 3.2-4112, that is grown, ~~dealt~~ handled, or processed in compliance
988 with state or federal law, unless it has been grown and processed in the Commonwealth by a registered
989 industrial hemp processor and acquired and formulated by a pharmaceutical processor.

990 "Cannabis product" means a product that is (i) produced by a pharmaceutical processor, registered
991 with the Board, and compliant with testing requirements and (ii) composed of cannabis oil or botanical
992 cannabis.

993 "Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-
994 162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home
995 health services, private provider licensed by the Department of Behavioral Health and Developmental
996 Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility
997 licensed pursuant to § 63.2-1701, or adult day care center licensed pursuant to § 63.2-1701.

998 "Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine,
999 a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the
1000 Board of Medicine and the Board of Nursing.

1001 "Registered agent" means an individual designated by a patient who has been issued a written
1002 certification, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, designated by
1003 such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

1004 "Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has
1005 been extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber
1006 produced from the stalks, or any other compound, manufacture, salt, or derivative, mixture, or preparation
1007 of the mature stalks; or (iii) oil or cake made from the seeds of the plant.

1008 B. A practitioner in the course of his professional practice may issue a written certification for the
1009 use of cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease
1010 determined by the practitioner to benefit from such use. The practitioner shall use his professional
1011 judgment to determine the manner and frequency of patient care and evaluation and may employ the use
1012 of telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-
1013 time interactive audio-visual technology. If a practitioner determines it is consistent with the standard of
1014 care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such
1015 dispensing. If not specifically included on the initial written certification, authorization for botanical
1016 cannabis may be communicated verbally or in writing to the pharmacist at the time of dispensing.

1017 C. The written certification shall be on a form provided by the Board of Pharmacy. Such written
1018 certification shall contain the name, address, and telephone number of the practitioner; the name and
1019 address of the patient issued the written certification; the date on which the written certification was made;
1020 and the signature or authentic electronic signature of the practitioner. Such written certification issued
1021 pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner
1022 provides in such written certification an earlier expiration. A written certification shall not be issued to a
1023 patient by more than one practitioner during any given time period.

1024 D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for the issuance of a
1025 certification for the use of cannabis products for the treatment or to alleviate the symptoms of a patient's
1026 diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing
1027 in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly
1028 evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for
1029 evaluating or treating medical conditions.

1030 E. A practitioner who issues a written certification to a patient pursuant to this section shall register
1031 with the Board and shall hold sufficient education and training to exercise appropriate professional
1032 judgment in the certification of patients. The Board shall not limit the number of patients to whom a
1033 practitioner may issue a written certification. The Board may report information to the applicable licensing
1034 board on unusual patterns of certifications issued by a practitioner.

1035 F. No patient shall be required to physically present the written certification after the initial
1036 dispensing by any pharmaceutical processor or cannabis dispensing facility under each written
1037 certification, provided that the pharmaceutical processor or cannabis dispensing facility maintains an
1038 electronic copy of the written certification. Pharmaceutical processors and cannabis dispensing facilities
1039 shall electronically transmit, on a monthly basis, all new written certifications received by the
1040 pharmaceutical processor or cannabis dispensing facility to the Board.

1041 G. A patient, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such
1042 patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes
1043 of receiving cannabis products pursuant to a valid written certification. Such designated individual shall
1044 register with the Board. The Board may set a limit on the number of patients for whom any individual is
1045 authorized to act as a registered agent.

1046 H. Upon delivery of a cannabis product by a pharmaceutical processor or cannabis dispensing
1047 facility to a designated caregiver facility, any employee or contractor of a designated caregiver facility,
1048 who is licensed or registered by a health regulatory board and who is authorized to possess, distribute, or
1049 administer medications, may accept delivery of the cannabis product on behalf of a patient or resident for
1050 subsequent delivery to the patient or resident and may assist in the administration of the cannabis product
1051 to the patient or resident as necessary.

1052 I. Information obtained under the registration process shall be confidential and shall not be subject
1053 to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However,
1054 reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee
1055 for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local
1056 law enforcement for the purpose of investigating or prosecuting a specific individual for a specific
1057 violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing
1058 patient care and drug therapy management and monitoring of drugs obtained by a patient, (iv) a
1059 pharmaceutical processor or cannabis dispensing facility involved in the treatment of a patient, or (v) a
1060 registered agent, but only with respect to information related to such patient.

1061 § 54.1-3423. Board to issue registration unless inconsistent with public interest;
1062 authorization to conduct research; application and fees.

1063 A. The Board shall register an applicant to manufacture or distribute controlled substances
1064 included in Schedules I through V unless it determines that the issuance of that registration would be
1065 inconsistent with the public interest. In determining the public interest, the Board shall consider the
1066 following factors:

1067 1. Maintenance of effective controls against diversion of controlled substances into other than
1068 legitimate medical, scientific, or industrial channels;

1069 2. Compliance with applicable state and local law;

1070 3. Any convictions of the applicant under any federal and state laws relating to any controlled
1071 substance;

1072 4. Past experience in the manufacture or distribution of controlled substances, and the existence in
1073 the applicant's establishment of effective controls against diversion;

1074 5. Furnishing by the applicant of false or fraudulent material in any application filed under this
1075 chapter;

1076 6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or
1077 dispense controlled substances as authorized by federal law; and

1078 7. Any other factors relevant to and consistent with the public health and safety.

1079 B. Registration under subsection A does not entitle a registrant to manufacture and distribute
1080 controlled substances in Schedule I or II other than those specified in the registration.

1081 C. Practitioners must be registered to conduct research or laboratory analysis with controlled
1082 substances in Schedules II through VI, ~~tetrahydrocannabinol~~, or marijuana. Practitioners registered under
1083 federal law to conduct research with Schedule I substances, other than ~~tetrahydrocannabinol~~ marijuana,
1084 may conduct research with Schedule I substances within ~~this~~ the Commonwealth upon furnishing the
1085 evidence of that federal registration.

1086 D. The Board may register other persons or entities to possess controlled substances listed on
1087 Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of the

1088 registration is consistent with the public interest, (iii) the possession and subsequent use of the controlled
1089 substances complies with applicable state and federal laws and regulations, and (iv) the subsequent
1090 storage, use, and recordkeeping of the controlled substances will be under the general supervision of a
1091 licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as
1092 specified in the Board's regulations. The Board shall consider, at a minimum, the factors listed in
1093 subsection A of this section in determining whether the registration shall be issued. Notwithstanding the
1094 exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances registration for sites
1095 maintaining certain types and quantities of Schedules II through VI controlled substances as it may specify
1096 in its regulations. The Board shall promulgate regulations related to requirements or criteria for the
1097 issuance of such controlled substances registration, storage, security, supervision, and recordkeeping.

1098 E. The Board may register a public or private animal shelter as defined in § 3.2-6500 to purchase,
1099 possess, and administer certain Schedule II through VI controlled substances approved by the State
1100 Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and
1101 animals and to purchase, possess, and administer certain Schedule VI drugs and biological products for
1102 the purpose of preventing, controlling, and treating certain communicable diseases that failure to control
1103 would result in transmission to the animal population in the shelter. Controlled substances used for
1104 euthanasia shall be administered only in accordance with protocols established by the State Veterinarian
1105 and only by persons trained in accordance with instructions by the State Veterinarian. The list of Schedule
1106 VI drugs and biological products used for treatment and prevention of communicable diseases within the
1107 shelter shall be determined by the supervising veterinarian of the shelter and the drugs and biological
1108 products shall be administered only pursuant to written protocols established or approved by the
1109 supervising veterinarian of the shelter and only by persons who have been trained in accordance with
1110 instructions established or approved by the supervising veterinarian. The shelter shall maintain a copy of
1111 the approved list of drugs and biological products, written protocols for administering, and training records
1112 of those persons administering drugs and biological products on the premises of the shelter.

1113 F. The Board may register a crisis stabilization unit established pursuant to § 37.2-500 or 37.2-601
1114 and licensed by the Department of Behavioral Health and Developmental Services to maintain a stock of

1115 Schedule VI controlled substances necessary for immediate treatment of patients admitted to the crisis
1116 stabilization unit, which may be accessed and administered by a nurse pursuant to a written or oral order
1117 of a prescriber in the absence of a prescriber. Schedule II through Schedule V controlled substances shall
1118 only be maintained if so authorized by federal law and Board regulations.

1119 G. The Board may register an entity at which a patient is treated by the use of instrumentation and
1120 diagnostic equipment through which images and medical records may be transmitted electronically for the
1121 purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II through
1122 VI controlled substances when such prescribing is in compliance with federal requirements for the practice
1123 of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S.
1124 Drug Enforcement Administration. In determining whether the registration shall be issued, the Board shall
1125 consider (i) the factors listed in subsection A, (ii) whether there is a documented need for such registration,
1126 and (iii) whether the issuance of the registration is consistent with the public interest.

1127 H. Applications for controlled substances registration certificates and renewals thereof shall be
1128 made on a form prescribed by the Board and such applications shall be accompanied by a fee in an amount
1129 to be determined by the Board.

1130 I. Upon (i) any change in ownership or control of a business, (ii) any change of location of the
1131 controlled substances stock, (iii) the termination of authority by or of the person named as the responsible
1132 party on a controlled substances registration, or (iv) a change in the supervising practitioner, if applicable,
1133 the registrant or responsible party shall immediately surrender the registration. The registrant shall, within
1134 14 days following surrender of a registration, file a new application and, if applicable, name the new
1135 responsible party or supervising practitioner.

1136 **§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.**

1137 A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without
1138 first obtaining a permit from the Board. The application for such permit shall be made on a form provided
1139 by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical
1140 processor's dispensing area or cannabis dispensing facility. The Board shall establish an application fee
1141 and other general requirements for such application.

1142 B. Each permit shall expire annually on a date determined by the Board in regulation. The number
1143 of permits that the Board may issue or renew in any year is limited to one pharmaceutical processor and
1144 up to five cannabis dispensing facilities for each health service area established by the Board of Health.
1145 Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and
1146 cannabis dispensing facility.

1147 C. The Board shall adopt regulations establishing health, safety, and security requirements for
1148 pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements
1149 for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum
1150 equipment and resources; (v) recordkeeping; (vi) labeling, including the potency of each botanical
1151 cannabis product and the amounts recommended by the practitioner or dispensing pharmacist, and
1152 packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely and
1153 securely dispensing and delivering in person cannabis products to a patient, his registered agent, or, if
1154 such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal
1155 guardian; (ix) dosage limitations for cannabis oil that provide that each dispensed dose of cannabis oil not
1156 exceed 10 milligrams of ~~delta-9 tetrahydrocannabinol~~ tetrahydrocannabinol; (x) a process for the
1157 wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis oil, and
1158 cannabis products between pharmaceutical processors, between a pharmaceutical processors and a
1159 cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of
1160 devices for administration of dispensed cannabis products and hemp-based CBD products that meet the
1161 applicable standards set forth in state and federal law, including the laboratory testing standards set forth
1162 in subsection M; (xii) an allowance for the use and distribution of inert product samples containing no
1163 cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing
1164 facility, and not for further distribution or sale, without the need for a written certification; (xiii) a process
1165 for acquiring industrial hemp extracts and formulating such extracts into cannabis products; and (xiv) an
1166 allowance for the advertising and promotion of the pharmaceutical processor's products and operations,
1167 which shall not limit the pharmaceutical processor from the provision of educational material to
1168 practitioners who issue written certifications and patients. The Board shall also adopt regulations for

1169 pharmaceutical processors that include requirements for (a) processes for safely and securely cultivating
1170 Cannabis plants intended for producing cannabis products, (b) the secure disposal of agricultural waste,
1171 and (c) a process for registering cannabis oil products.

1172 D. The Board shall require that, after processing and before dispensing any cannabis products, a
1173 pharmaceutical processor shall make a sample available from each batch of cannabis product for testing
1174 by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for
1175 testing shall be determined by each laboratory and may vary due to sample matrix, analytical method, and
1176 laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing
1177 or distribution from each homogenized batch of cannabis oil is required to achieve a representative
1178 cannabis oil sample for analysis. A minimum sample size, to be determined by the certified testing
1179 laboratory, from each batch of botanical cannabis is required to achieve a representative botanical cannabis
1180 sample for analysis. Botanical cannabis products shall only be tested for the following: total cannabidiol
1181 (CBD); total tetrahydrocannabinol (THC); terpenes; pesticide chemical residue; heavy metals;
1182 mycotoxins; moisture; and microbiological contaminants. Testing thresholds shall be consistent with
1183 generally accepted cannabis industry thresholds. The pharmaceutical processor may remediate botanical
1184 cannabis or cannabis oil that fails any quality testing standard except pesticides. Following remediation,
1185 all remediated botanical cannabis or cannabis oil shall be subject to laboratory testing and approved upon
1186 satisfaction of applicable testing standards, which shall not be more stringent than initial testing prior to
1187 remediation. If a batch of botanical cannabis fails retesting after remediation, it shall be considered usable
1188 cannabis and may be processed into cannabis oil. Stability testing shall not be required for any cannabis
1189 product with an expiration date assigned by the pharmaceutical processor of six months or less from the
1190 date of the cannabis product registration approval. Stability testing required for assignment of an
1191 expiration date longer than six months shall be limited to microbial testing, on a pass/fail basis, and
1192 potency testing, on a 10 percent deviation basis, of active ingredients.

1193 E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances
1194 registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the
1195 Board in regulation.

1196 F. Every pharmaceutical processor's dispensing area or cannabis dispensing facility shall be under
1197 the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or
1198 cannabis dispensing facility. The pharmaceutical processor shall ensure that security measures are
1199 adequate to protect the cannabis from diversion at all times, and the pharmacist-in-charge shall have
1200 concurrent responsibility for preventing diversion from the dispensing area.

1201 Every pharmaceutical processor shall designate a person who shall have oversight of the
1202 cultivation and production areas of the pharmaceutical processor and shall provide such information to
1203 the Board. The Board shall direct all communications related to enforcement of requirements related to
1204 cultivation and production of cannabis oil products by the pharmaceutical processor to such designated
1205 person.

1206 G. The Board shall require the material owners of an applicant for a pharmaceutical processor or
1207 cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive
1208 information to be forwarded along with his fingerprints through the Central Criminal Records Exchange
1209 to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information
1210 regarding the applicant's material owners. The cost of fingerprinting and the criminal history record search
1211 shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the
1212 criminal history background check to the Board or its designee, which shall be a governmental entity. A
1213 pharmaceutical processor shall maintain evidence of criminal background checks for all employees and
1214 delivery agents of the pharmaceutical processor. Criminal background checks of employees and delivery
1215 agents may be conducted by any service sufficient to disclose any federal and state criminal convictions.

1216 H. In addition to other employees authorized by the Board, a pharmaceutical processor may
1217 employ individuals who may have less than two years of experience (i) to perform cultivation-related
1218 duties under the supervision of an individual who has received a degree in a field related to the cultivation
1219 of plants or a certification recognized by the Board or who has at least two years of experience cultivating
1220 plants, (ii) to perform extraction-related duties under the supervision of an individual who has a degree in
1221 chemistry or pharmacology or at least two years of experience extracting chemicals from plants, and (iii)

1222 to perform duties at the pharmaceutical processor and cannabis dispensing facility upon certification as a
1223 pharmacy technician.

1224 I. A pharmaceutical processor to whom a permit has been issued by the Board may establish up to
1225 five cannabis dispensing facilities for the dispensing of cannabis products that have been cultivated and
1226 produced on the premises of a pharmaceutical processor permitted by the Board. Each cannabis dispensing
1227 facility shall be located within the same health service area as the pharmaceutical processor.

1228 J. No person who has been convicted of a felony under the laws of the Commonwealth or another
1229 jurisdiction within the last five years shall be employed by or act as an agent of a pharmaceutical processor
1230 or cannabis dispensing facility.

1231 K. Every pharmaceutical processor or cannabis dispensing facility shall adopt policies for pre-
1232 employment drug screening and regular, ongoing, random drug screening of employees.

1233 L. A pharmacist at the pharmaceutical processor's dispensing area and the cannabis dispensing
1234 facility shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician
1235 trainees who can be safely and competently supervised at one time; however, no pharmacist shall supervise
1236 more than six persons performing the duties of a pharmacy technician at one time in the pharmaceutical
1237 processor's dispensing area or cannabis dispensing facility.

1238 M. A pharmaceutical processor may acquire industrial hemp extracts grown and processed in
1239 Virginia, and in compliance with state or federal law, from a registered industrial hemp dealer or
1240 processor. A pharmaceutical processor may process and formulate such extracts into an allowable dosage
1241 of cannabis product. Industrial hemp extracts acquired and formulated by a pharmaceutical processor are
1242 subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing shall
1243 be performed by a laboratory located in Virginia and in compliance with state law governing the testing
1244 of cannabis products. The industrial hemp dealer or processor shall provide such third-party testing results
1245 to the pharmaceutical processor before industrial hemp extracts may be acquired.

1246 N. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§
1247 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption
1248 of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the

1249 Board of Pharmacy shall publish a notice of opportunity to comment in the Virginia Register of
1250 Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to
1251 comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation;
1252 and (iii) the name, address, and telephone number of the agency contact person responsible for receiving
1253 public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in such
1254 notice for submittals of public comment. The legislative review provisions of subsections A and B of §
1255 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this section.
1256 The Board of Pharmacy shall consider and keep on file all public comments received for any regulation
1257 adopted pursuant to this section.

1258 O. The Board shall register all cannabis products that meet testing, labeling, and packaging
1259 standards.

1260 **§ 54.1-3442.7. Dispensing cannabis products; report.**

1261 A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis
1262 products only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia and
1263 has been issued a valid written certification; (ii) such patient's registered agent; or (iii) if such patient is a
1264 minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian who is a
1265 Virginia resident or temporarily resides in Virginia. A companion may accompany a patient into a
1266 pharmaceutical processor's dispensing area or cannabis dispensing facility. Prior to the initial dispensing
1267 of cannabis products pursuant to each written certification, a pharmacist or pharmacy technician employed
1268 by the pharmaceutical processor or cannabis dispensing facility shall make and maintain, on site or
1269 remotely by electronic means, for two years a paper or electronic copy of the written certification that
1270 provides an exact image of the document that is clearly legible; shall view, in person or by audiovisual
1271 means, a current photo identification of the patient, registered agent, parent, or legal guardian; and shall
1272 verify current board registration of the practitioner and the corresponding registered agent if applicable.
1273 Thereafter, an initial dispensing may be delivered to the patient, registered agent, parent, legal guardian,
1274 or designated caregiver facility. Prior to any subsequent dispensing of cannabis products pursuant to each
1275 written certification, an employee or delivery agent shall view a current photo identification of the patient,

1276 registered agent, parent, or legal guardian and the current board registration issued to the registered agent
1277 if applicable. No pharmaceutical processor or cannabis dispensing facility shall dispense more than a 90-
1278 day supply, as determined by the dispensing pharmacist or certifying practitioner, for any patient during
1279 any 90-day period. A pharmaceutical processor or cannabis dispensing facility may dispense less than a
1280 90-day supply of a cannabis product for any patient during any 90-day period; however, a pharmaceutical
1281 processor or cannabis dispensing facility may dispense more than one cannabis product to a patient at one
1282 time. No more than four ounces of botanical cannabis shall be dispensed for each 30-day period for which
1283 botanical cannabis is dispensed. The Board shall establish in regulation an amount of cannabis oil that
1284 constitutes a 90-day supply to treat or alleviate the symptoms of a patient's diagnosed condition or disease.
1285 In determining the appropriate amount of a cannabis product to be dispensed to a patient, a pharmaceutical
1286 processor or cannabis dispensing facility shall consider all cannabis products dispensed to the patient and
1287 adjust the amount dispensed accordingly.

1288 B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis
1289 products produced on the premises of a pharmaceutical processor permitted by the Board or cannabis
1290 products that have been formulated with extracts from industrial hemp acquired by a pharmaceutical
1291 processor from a registered industrial hemp dealer or processor pursuant to § 54.1-3442.6. A
1292 pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

1293 C. The Board shall report annually by December 1 to the Chairmen of the House Committee for
1294 Health, Welfare and Institutions and the Senate Committee on Education and Health on the operation of
1295 pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board.

1296 D. The concentration of ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol in any cannabis
1297 product on site may be up to 10 percent greater than or less than the level of ~~delta-9-tetrahydrocannabinol~~
1298 tetrahydrocannabinol measured for labeling. A pharmaceutical processor and cannabis dispensing facility
1299 shall ensure that such concentration in any cannabis product on site is within such range. A pharmaceutical
1300 processor producing cannabis products shall establish a stability testing schedule of cannabis products.

1301 **§ 54.1-3443. Board to administer article.**

1302 A. The Board shall administer this article and may add substances to or deschedule or reschedule
1303 all substances enumerated in the schedules in this article pursuant to the procedures of the Administrative
1304 Process Act (§ 2.2-4000 et seq.). In making a determination regarding a substance, the Board shall consider
1305 the following:

- 1306 1. The actual or relative potential for abuse;
- 1307 2. The scientific evidence of its pharmacological effect, if known;
- 1308 3. The state of current scientific knowledge regarding the substance;
- 1309 4. The history and current pattern of abuse;
- 1310 5. The scope, duration, and significance of abuse;
- 1311 6. The risk to the public health;
- 1312 7. The potential of the substance to produce psychic or physical dependence; and
- 1313 8. Whether the substance is an immediate precursor of a substance already controlled under this
1314 article.

1315 B. After considering the factors enumerated in subsection A, the Board shall make findings and
1316 issue a regulation controlling the substance if it finds the substance has a potential for abuse.

1317 C. If the Board designates a substance as an immediate precursor, substances which are precursors
1318 of the controlled precursor shall not be subject to control solely because they are precursors of the
1319 controlled precursor.

1320 D. If the Board, in consultation with the Department of Forensic Science, determines the substance
1321 shall be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its
1322 regulations pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making
1323 such amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such
1324 hearing, it shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of
1325 the hearing to any persons requesting to be notified of a regulatory action. In the notice, the Board shall
1326 include a list of all substances it intends to schedule by regulation. The Board shall notify the House
1327 Committee for Courts of Justice and the Senate Committee on the Judiciary of any new substance added
1328 to Schedule I or II pursuant to this subsection. Any substance added to Schedule I or II pursuant to this

1329 subsection shall remain on Schedule I or II for a period of 18 months. Upon expiration of such 18-month
1330 period, such substance shall be descheduled unless a general law is enacted adding such substance to
1331 Schedule I or II. Nothing in this subsection shall preclude the Board from adding substances to or
1332 descheduling or rescheduling all substances enumerated in the schedules pursuant to the provisions of
1333 subsections A, B, and E.

1334 E. If any substance is designated, rescheduled, or descheduled as a controlled substance under
1335 federal law and notice of such action is given to the Board, the Board may similarly control the substance
1336 under this chapter after the expiration of 30 days from publication in the Federal Register of a final or
1337 interim final order or rule designating a substance as a controlled substance or rescheduling or
1338 descheduling a substance by amending its regulations in accordance with the requirements of Article 2 (§
1339 2.2-4006 et seq.) of the Administrative Process Act. Prior to making such amendments, the Board shall
1340 post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to
1341 any persons requesting to be notified of a regulatory action. The Board shall include a list of all substances
1342 it intends to schedule by regulation in such notice.

1343 F. Authority to control under this section does not extend to distilled spirits, wine, malt beverages,
1344 or tobacco as those terms are defined or used in Title 4.1.

1345 G. The Board shall exempt any nonnarcotic substance from a schedule if such substance may,
1346 under the provisions of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law,
1347 be lawfully sold over the counter without a prescription.

1348 H. Any tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether
1349 scheduled pursuant to this section shall not be included in the definition of marijuana set forth in § 4.1-
1350 600, 18.2-247, or 54.1-3401.

1351 **§ 54.1-3446. Schedule I.**

1352 The controlled substances listed in this section are included in Schedule I:

1353 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,
1354 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and
1355 salts is possible within the specific chemical designation:

- 1356** 1-{1-[1-(4-bromophenyl)ethyl]-4-piperidinyl}-1,3-dihydro-2H-benzimidazol-2-one (other name:
1357 Brorphine);
- 1358** 1-[2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone (other name: 2-methyl AP-
1359 237);
- 1360** 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);
- 1361** 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);
- 1362** 2-[(4-methoxyphenyl)methyl]-N,N-diethyl-5-nitro-1H-benzimidazole-1-ethanamine (other name:
1363 Metonitazene);
- 1364** 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl
1365 fentanyl);
- 1366** 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);
- 1367** 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);
- 1368** Acetyl fentanyl (other name: desmethyl fentanyl);
- 1369** Acetylmethadol;
- 1370** Allylprodine;
- 1371** Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol,
1372 levomethadyl acetate, or LAAM);
- 1373** Alphameprodine;
- 1374** Alphamethadol;
- 1375** Benzethidine;
- 1376** Betacetylmethadol;
- 1377** Betameprodine;
- 1378** Betamethadol;
- 1379** Betaprodine;
- 1380** Clonitazene;
- 1381** Dextromoramide;
- 1382** Diampromide;

- 1383 Diethylthiambutene;
- 1384 Difenoixin;
- 1385 Dimenoxadol;
- 1386 Dimepheptanol;
- 1387 Dimethylthiambutene;
- 1388 Dioxaphetylbutyrate;
- 1389 Dipipanone;
- 1390 Ethylmethylthiambutene;
- 1391 Etonitazene;
- 1392 Etoxidine;
- 1393 Furethidine;
- 1394 Hydroxypethidine;
- 1395 Ketobemidone;
- 1396 Levomoramide;
- 1397 Levophenacymorphan;
- 1398 Morpheridine;
- 1399 MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- 1400 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl
1401 fentanyl);
- 1402 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name:
1403 Tetrahydrofuranyl fentanyl);
- 1404 N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-
1405 methylthiofentanyl);
- 1406 N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-
1407 methylfentanyl);
- 1408 N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-
1409 hydroxythiofentanyl);

- 1410** N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-
1411 hydroxyfentanyl);
- 1412** N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names: 1-(1-methyl-2-
1413 phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
- 1414** N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-
1415 fluorofentanyl, ortho-fluorofentanyl);
- 1416** N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-
1417 fluorofentanyl);
- 1418** N-[3-methyl-1-(2-hydroxy-2-phenylethyl)4-piperidyl]-N-phenylpropanamide (other name: beta-
1419 hydroxy-3-methylfentanyl);
- 1420** N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-
1421 methylfentanyl);
- 1422** N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-
1423 methylthiofentanyl);
- 1424** N-(4-chlorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: para-
1425 chlorofentanyl, 4-chlorofentanyl);
- 1426** N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name:
1427 para-fluoroisobutyryl fentanyl);
- 1428** N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: para-
1429 fluorobutyrylfentanyl);
- 1430** N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-
1431 fluorofentanyl);
- 1432** N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other
1433 name: Isotonitazene);
- 1434** N,N-diethyl-2-[[4-ethoxyphenyl] methyl]-1H-benzimidazol-1-yl}-ethan-1-amine (other names:
1435 Etazene, Desnitroetonitazene);

- 1436 N,N-diethyl-2-[(4-methoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (other name:
1437 Metodesnitazene);
- 1438 N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]-2-furancarboxamide (other name: N-benzyl
1439 Furanyl norfentanyl);
- 1440 N-phenyl-N-(4-piperidinyl)-propanamide (other name: Norfentanyl);
- 1441 Noracymethadol;
- 1442 Norlevorphanol;
- 1443 Normethadone;
- 1444 Norpipanone;
- 1445 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl
1446 fentanyl);
- 1447 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
- 1448 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
- 1449 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
- 1450 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
- 1451 Phenadoxone;
- 1452 Phenampromide;
- 1453 Phenomorphan;
- 1454 Phenoperidine;
- 1455 Piritramide;
- 1456 Proheptazine;
- 1457 Properidine;
- 1458 Propiram;
- 1459 Racemoramide;
- 1460 Tilidine;
- 1461 Trimeperidine;

- 1462** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name:
1463 Benzodioxole fentanyl);
- 1464** 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
- 1465** 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-
1466 48800);
- 1467** 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-
1468 51754);
- 1469** N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name:
1470 Ocfentanil);
- 1471** N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: 4-
1472 methoxybutyrylfentanyl);
- 1473** N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl
1474 fentanyl);
- 1475** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name:
1476 Cyclopentyl fentanyl);
- 1477** N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
- 1478** N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-
1479 methylenedioxy U-47700 or 3,4-MDO-U-47700);
- 1480** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);
- 1481** N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-
1482 phenylfentanyl);
- 1483** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl
1484 fentanyl);
- 1485** N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);
- 1486** N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
- 1487** 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl
1488 U-47700).

1489 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless
1490 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within
1491 the specific chemical designation:

- 1492 Acetorphine;
- 1493 Acetyldihydrocodeine;
- 1494 Benzylmorphine;
- 1495 Codeine methylbromide;
- 1496 Codeine-N-Oxide;
- 1497 Cyprenorphine;
- 1498 Desomorphine;
- 1499 Dihydromorphine;
- 1500 Drotebanol;
- 1501 Etorphine;
- 1502 Heroin;
- 1503 Hydromorphanol;
- 1504 Methyldesorphine;
- 1505 Methyldihydromorphine;
- 1506 Morphine methylbromide;
- 1507 Morphine methylsulfonate;
- 1508 Morphine-N-Oxide;
- 1509 Myrophine;
- 1510 Nicocodeine;
- 1511 Nicomorphine;
- 1512 Normorphine;
- 1513 Pholcodine;
- 1514 Thebacon.

1515 3. Unless specifically excepted or unless listed in another schedule, any material, compound,
1516 mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which
1517 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and
1518 salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only,
1519 the term "isomer" includes the optical, position, and geometric isomers):

1520 Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-
1521 2-aminobutyl] indole; a-ET; AET);

1522 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-4-bromo-2,5-
1523 dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);

1524 3,4-methylenedioxy amphetamine;

1525 5-methoxy-3,4-methylenedioxy amphetamine;

1526 3,4,5-trimethoxy amphetamine;

1527 Alpha-methyltryptamine (other name: AMT);

1528 Bufotenine;

1529 Diethyltryptamine;

1530 Dimethyltryptamine;

1531 4-methyl-2,5-dimethoxyamphetamine;

1532 2,5-dimethoxy-4-ethylamphetamine (DOET);

1533 4-fluoro-N-ethylamphetamine;

1534 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

1535 Ibogaine;

1536 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

1537 Lysergic acid diethylamide;

1538 Mescaline;

1539 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-
1540 6H-dibenzo [b,d] pyran; Synhexyl);

1541 Peyote;

- 1542 N-ethyl-3-piperidyl benzilate;
- 1543 N-methyl-3-piperidyl benzilate;
- 1544 Psilocybin;
- 1545 Psilocyn;
- 1546 Salvinorin A;
- 1547 ~~Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is~~
- 1548 ~~possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp product,~~
- 1549 ~~as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent~~
- 1550 ~~that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in~~
- 1551 ~~compliance with state or federal law; (iii) marijuana; (iv) dronabinol in sesame oil and encapsulated in a~~
- 1552 ~~soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration; or (v) industrial~~
- 1553 ~~hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued~~
- 1554 ~~by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990;~~
- 1555 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
- 1556 2,5-DMA);
- 1557 3,4-methylenedioxyamphetamine (MDMA), its optical, positional and geometric isomers,
- 1558 salts and salts of isomers;
- 1559 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
- 1560 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
- 1561 N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-
- 1562 3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
- 1563 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-
- 1564 methylphenethylamine; 4-bromo-2,5-DMA);
- 1565 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
- 1566 paramethoxyamphetamine; PMA);
- 1567 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-
- 1568 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

- 1569 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine,
1570 PCPy, PHP);
- 1571 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,
1572 2-thienyl analog of phencyclidine, TPCP, TCP);
- 1573 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
- 1574 3,4-methylenedioxypropylvalerone (other name: MDPV);
- 1575 4-methylmethcathinone (other names: mephedrone, 4-MMC);
- 1576 3,4-methylenedioxymethcathinone (other name: methylone);
- 1577 Naphthylpropylvalerone (other name: naphyrone);
- 1578 4-fluoromethcathinone (other names: flephedrone, 4-FMC);
- 1579 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
- 1580 Ethcathinone (other name: N-ethylcathinone);
- 1581 3,4-methylenedioxyethylcathinone (other name: ethylone);
- 1582 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
- 1583 N,N-dimethylcathinone (other name: metamfepramone);
- 1584 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
- 1585 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
- 1586 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
- 1587 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
- 1588 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
- 1589 3-fluoromethcathinone (other name: 3-FMC);
- 1590 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
- 1591 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
- 1592 4-Methylethcathinone (other name: 4-MEC);
- 1593 4-Ethylmethcathinone (other name: 4-EMC);
- 1594 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
- 1595 Beta-keto-methylbenzodioxolylpentanamine (other names: Pentylone, bk-MBDP);

- 1596 Alpha-methylamino-butyrophenone (other name: Buphedrone);
- 1597 Alpha-methylamino-valerophenone (other name: Pentedrone);
- 1598 3,4-Dimethylmethcathinone (other name: 3,4-dmmc);
- 1599 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
- 1600 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
- 1601 25I-NBOMe, 2C-I-NBOMe);
- 1602 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
- 1603 4-Fluoromethamphetamine (other name: 4-FMA);
- 1604 4-Fluoroamphetamine (other name: 4-FA);
- 1605 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
- 1606 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
- 1607 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
- 1608 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
- 1609 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
- 1610 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
- 1611 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
- 1612 (2-aminopropyl)benzofuran (other name: APB);
- 1613 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
- 1614 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-
- 1615 NBOMe, 25C-NBOMe, 25C);
- 1616 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-
- 1617 NBOMe, 25B-NBOMe, 25B);
- 1618 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
- 1619 Benocyclidine (other names: BCP, BTCP);
- 1620 Alpha-pyrrolidinobutyrophenone (other name: alpha-PBP);
- 1621 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
- 1622 4-bromomethcathinone (other name: 4-BMC);

- 1623 4-chloromethcathinone (other name: 4-CMC);
- 1624 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-
1625 NBOH);
- 1626 Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
- 1627 Alpha-Pyrrolidinoheptiophenone (other name: PV8);
- 1628 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
- 1629 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
- 1630 Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
- 1631 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
- 1632 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
- 1633 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
- 1634 4-Chloroethcathinone (other name: 4-CEC);
- 1635 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
- 1636 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
- 1637 (2-Methylaminopropyl)benzofuran (other name: MAPB);
- 1638 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone,
1639 Dipentylone);
- 1640 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
- 1641 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
- 1642 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
- 1643 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-
1644 NBOH);
- 1645 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
- 1646 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
- 1647 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
- 1648 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
- 1649 4-methyl-alpha-ethylaminopentiophenone;

- 1650 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
- 1651 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
- 1652 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
- 1653 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
- 1654 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
- 1655 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
- 1656 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
- 1657 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
- 1658 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
- 1659 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
- 1660 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
- 1661 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
- 1662 N-ethyl-1,2-diphenylethylamine (other name: Ephedrine);
- 1663 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
- 1664 3,4-methylenedioxy-N-tert-butylcathinone;
- 1665 Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
- 1666 1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
- 1667 4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
- 1668 4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
- 1669 3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
- 1670 5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
- 1671 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
- 1672 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
- 1673 N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
- 1674 1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl
- 1675 Pentylone);
- 1676 1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);

- 1677 2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);
- 1678 (2-ethylaminopropyl)benzofuran (other name: EAPB);
- 1679 4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-
- 1680 NBOH);
- 1681 2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);
- 1682 4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
- 1683 2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone, alpha-
- 1684 isobutylaminohexanphenone);
- 1685 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine,
- 1686 PMMA);
- 1687 N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
- 1688 N-heptyl-3,4-dimethoxyamphetamine (other name: N-heptyl-3,4-DMA);
- 1689 N-hexyl-3,4-dimethoxyamphetamine (other name: N-hexyl-3,4-DMA);
- 1690 4-fluoro-3-methyl-alpha-pyrrolidinovalerophenone (other name: 4-fluoro-3-methyl-alpha-PVP);
- 1691 4-fluoro-alpha-methylamino-valerophenone (other name: 4-fluoropentedrone);
- 1692 N-(1,4-dimethylpentyl)-3,4-dimethoxyamphetamine (other name: N-(1,4-dimethylpentyl)-3,4-
- 1693 DMA);
- 1694 4,5-methylenedioxy-N,N-diisopropyltryptamine (other name: 4,5-MDO-DiPT);
- 1695 Alpha-pyrrolidinocyclohexanophenone (other name: alpha-PCYP);
- 1696 3,4-methylenedioxy-alpha-pyrrolidinoheptiophenone (other name: MDPV8);
- 1697 4-chloro-alpha-methylaminobutiophenone (other name: 4-chloro Buphedrone).
- 1698 4. Unless specifically excepted or unless listed in another schedule, any material, compound,
- 1699 mixture or preparation which contains any quantity of the following substances having a depressant effect
- 1700 on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of
- 1701 such salts, isomers and salts of isomers is possible within the specific chemical designation:
- 1702 5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one (other name:
- 1703 Meclonazepam);

- 1704 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name:
1705 Norfludiazepam);
- 1706 Bromazolam;
- 1707 Clonazolam;
- 1708 Deschloroetizolam;
- 1709 Etizolam;
- 1710 Flualprazolam;
- 1711 Flubromazepam;
- 1712 Flubromazolam;
- 1713 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-
1714 hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- 1715 Mecloqualone;
- 1716 Methaqualone.
- 1717 5. Unless specifically excepted or unless listed in another schedule, any material, compound,
1718 mixture or preparation which contains any quantity of the following substances having a stimulant effect
1719 on the central nervous system, including its salts, isomers and salts of isomers:
- 1720 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
- 1721 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-
1722 5-phenyl-2-oxazolamine);
- 1723 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-
1724 aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which
1725 Cathinone may be derived;
- 1726 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 1727 Ethylamphetamine;
- 1728 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
- 1729 Fenethylamine;

- 1730 Methcathinone (some other names: 2-(methylamino)-propiofenone; alpha-(methylamino)-
1731 propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiofenone;
1732 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and
1733 UR 1432);
- 1734 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
- 1735 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-
1736 trimethylphenethylamine);
- 1737 Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);
- 1738 Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);
- 1739 4-chloro-N,N-dimethylcathinone;
- 1740 3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).
- 1741 6. Any substance that contains one or more cannabimimetic agents or that contains their salts,
1742 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible
1743 within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed
1744 or infused with, any detectable amount of one or more cannabimimetic agents.
- 1745 a. "Cannabimimetic agents" includes any substance that is within any of the following structural
1746 classes:
- 1747 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or
1748 alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- 1749 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen
1750 atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not
1751 substituted on the naphthoyl or naphthyl ring to any extent;
- 1752 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not
1753 further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to
1754 any extent;

1755 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not
1756 further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any
1757 extent;

1758 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,
1759 whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl
1760 ring to any extent;

1761 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not
1762 further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to
1763 any extent;

1764 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
1765 substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

1766 N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,
1767 whether or not further substituted on the indole ring to any extent, whether or not substituted on the
1768 adamantyl ring to any extent; and

1769 N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,
1770 whether or not further substituted on the indazole ring to any extent, whether or not substituted on the
1771 adamantyl ring to any extent.

1772 b. The term "cannabimimetic agents" includes:

1773 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

1774 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

1775 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

1776 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1777 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1778 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1779 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1780 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1781 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

- 1782 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);
- 1783 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
- 1784 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
- 1785 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
- 1786 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
- 1787 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
- 1788 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
- 1789 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
- 1790 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
- 1791 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
- 1792 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);
- 1793 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
- 1794 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
- 1795 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
- 1796 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);
- 1797 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
- 1800 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
- 1801 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
- 1802 (8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
- 1803 (8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
- 1804 (8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
- 1805 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
- 1806
- 1807

- 1808 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:
1809 AB-FUBINACA);
- 1810 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
- 1811 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-
1812 PINACA);
- 1813 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other
1814 name: AB-CHMINACA);
- 1815 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
1816 5-fluoro-AB-PINACA);
- 1817 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other
1818 names: ADB-CHMINACA, MAB-CHMINACA);
- 1819 Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-
1820 fluoro-AMB);
- 1821 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
- 1822 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
- 1823 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
- 1824 N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-
1825 carboxamide (other name: ADB-FUBINACA);
- 1826 Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate
1827 (other name: MDMB-FUBINACA);
- 1828 Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:
1829 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);
- 1830 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl} amino)-3-methylbutanoate
1831 (other names: AMB-FUBINACA, FUB-AMB);
- 1832 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other names: FUB-AKB48,
1833 5F-APINACA);
- 1834 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);

- 1835 N-(adamantanyl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);
- 1836 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
- 1837 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name:
- 1838 AB-CHMICA);
- 1839 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
- 1840 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
- 1841 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
- 1842 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other
- 1843 name: 5-fluoro-ADB-PINACA);
- 1844 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano
- 1845 CUMYL-BUTINACA);
- 1846 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-
- 1847 fluoro MDMB-PICA, 5F-MDMB-PICA);
- 1848 Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl} amino)-3-methylbutanoate (other
- 1849 name: EMB-FUBINACA);
- 1850 Methyl 2-[1-4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-
- 1851 fluoro-MDMB-BUTINACA);
- 1852 1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro
- 1853 CUMYL-PICA);
- 1854 Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
- 1855 MDMB-4en-PINACA);
- 1856 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl} amino)-3-methylbutanoate (other
- 1857 names: MMB-FUBICA, AMB-FUBICA);
- 1858 Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names:
- 1859 MMB022, MMB-4en-PICA);
- 1860 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB
- 1861 2201);

- 1862 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name: 5-
1863 fluoro-MPP-PICA);
- 1864 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name: ADB-
1865 BUTINACA);
- 1866 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name:
1867 5-chloro-AB-PINACA);
- 1868 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (other names: 5F-
1869 CUMYL-PINACA, 5-fluoro CUMYL-PINACA, CUMYL-5F-PINACA);
- 1870 Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:
1871 5F-EDMB-PINACA, 5-fluoro EDMB-PINACA);
- 1872 Ethyl-2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3-methylbutanoate (other names: 5-
1873 fluoro-EMB-PINACA, 5F-AEB);
- 1874 Ethyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: 5-fluoro-
1875 EMB-PICA);
- 1876 Ethyl-2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 5-
1877 fluoro EDMB-PICA);
- 1878 Methyl 2-[1-(4-fluorobutyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-
1879 fluoro-MDMB-BUTICA);
- 1880 Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (other names:
1881 MDMB-CHMICA, MMB-CHMINACA);
- 1882 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-enyl)indazole-3-carboxamide (other name:
1883 ADB-4en-PINACA).

1884 **§ 59.1-200. Prohibited practices.**

1885 A. The following fraudulent acts or practices committed by a supplier in connection with a
1886 consumer transaction are hereby declared unlawful:

- 1887 1. Misrepresenting goods or services as those of another;
- 1888 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

1889 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or
1890 services, with another;

1891 4. Misrepresenting geographic origin in connection with goods or services;

1892 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses,
1893 or benefits;

1894 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or
1895 model;

1896 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective,
1897 blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class,"
1898 without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used,
1899 secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars,
1900 imperfects or "not first class";

1901 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell
1902 at the price or upon the terms advertised.

1903 In any action brought under this subdivision, the refusal by any person, or any employee, agent,
1904 or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms
1905 advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall
1906 not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods
1907 or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount
1908 of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer
1909 did in fact have or reasonably expected to have at least such quantity or amount for sale;

1910 9. Making false or misleading statements of fact concerning the reasons for, existence of, or
1911 amounts of price reductions;

1912 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or
1913 parts installed;

1914 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice
1915 or bill for merchandise or services previously ordered;

1916 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
1917 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's
1918 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the
1919 goods or services advertised or offered for sale;

1920 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of
1921 defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages,
1922 or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or
1923 under federal statutes or regulations;

1924 13a. Failing to provide to a consumer, or failing to use or include in any written document or
1925 material provided to or executed by a consumer, in connection with a consumer transaction any statement,
1926 disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R.
1927 Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection
1928 with the consumer transaction;

1929 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in
1930 connection with a consumer transaction;

1931 15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515,
1932 3.2-6516, or 3.2-6519 is a violation of this chapter;

1933 16. Failing to disclose all conditions, charges, or fees relating to:

1934 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
1935 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
1936 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does
1937 not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of
1938 this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not
1939 less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for
1940 the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the
1941 case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund
1942 may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not

1943 apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for
1944 clearance; nor does this subdivision apply to special order purchases where the purchaser has requested
1945 the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the
1946 store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or
1947 lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

1948 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the
1949 time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the
1950 premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of
1951 sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the
1952 agreement;

1953 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in
1954 excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's
1955 overpayment on such account. Suppliers shall give consumers written notice of such credit balances within
1956 60 days of receiving overpayments. If the credit balance information is incorporated into statements of
1957 account furnished consumers by suppliers within such 60-day period, no separate or additional notice is
1958 required;

1959 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
1960 connection with a consumer transaction, failing to adhere to the terms and conditions of such an
1961 agreement;

1962 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

1963 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1
1964 et seq.);

1965 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1
1966 et seq.);

1967 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-
1968 207.17 et seq.);

1969 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

- 1970 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-
1971 424 et seq.);
- 1972 24. Violating any provision of § 54.1-1505;
- 1973 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act,
1974 Chapter 17.6 (§ 59.1-207.34 et seq.);
- 1975 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 1976 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 1977 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 1978 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et
1979 seq.);
- 1980 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40
1981 et seq.);
- 1982 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 1983 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 1984 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 1985 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 1986 35. Using the consumer's social security number as the consumer's account number with the
1987 supplier, if the consumer has requested in writing that the supplier use an alternate number not associated
1988 with the consumer's social security number;
- 1989 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 1990 37. Violating any provision of § 8.01-40.2;
- 1991 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 1992 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 1993 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 1994 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§
1995 59.1-525 et seq.);
- 1996 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

- 1997 43. Violating any provision of § 59.1-443.2;
- 1998 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 1999 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 2000 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 2001 47. Violating any provision of § 18.2-239;
- 2002 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 2003 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or
- 2004 has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
- 2005 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
- 2006 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
- 2007 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
- 2008 products that are used, secondhand or "seconds";
- 2009 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 2010 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 2011 52. Violating any provision of § 8.2-317.1;
- 2012 53. Violating subsection A of § 9.1-149.1;
- 2013 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential
- 2014 dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective
- 2015 drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in
- 2016 which defective drywall has been permanently installed or affixed;
- 2017 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while
- 2018 engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-
- 2019 146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of
- 2020 emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant
- 2021 to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
- 2022 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 2023 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

- 2024 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);
- 2025 59. Violating any provision of subsection E of § 32.1-126;
- 2026 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession
- 2027 licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
- 2028 61. Violating any provision of § 2.2-2001.5;
- 2029 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 2030 63. Violating any provision of § 6.2-312;
- 2031 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 2032 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 2033 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 2034 67. Knowingly violating any provision of § 8.01-27.5;
- 2035 68. Failing to make available a conspicuous online option to cancel a recurring purchase of a good
- 2036 or service as required by § 59.1-207.46;
- 2037 69. Selling or offering for sale any substance intended for human consumption, orally or by
- 2038 inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision,
- 2039 "synthetic derivative" means a chemical compound produced by man through a chemical transformation
- 2040 to turn a compound into a different compound by adding or subtracting molecules to or from the original
- 2041 compound. This subdivision shall not (i) apply to products that are approved for marked by the U.S. Food
- 2042 and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed
- 2043 to prohibit any conduct permitted under Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.
- 2044 70. Selling or offering for sale to a person younger than 21 years of age any substance intended
- 2045 for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall
- 2046 not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and
- 2047 scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct
- 2048 permitted under Article 4.2 of Chapter 34 of Title 54.1 of the Code of Virginia;
- 2049 ~~70-71.~~ Selling or offering for sale any substance intended for human consumption, orally or by
- 2050 inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant

2051 packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less
2052 than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons
2053 younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such
2054 substance that constitutes a single serving, and (d) the total percentage and milligrams of
2055 tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that
2056 are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an
2057 independent laboratory that is registered with the U.S. Drug Enforcement Administration and accredited
2058 pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party
2059 accrediting body, that states the tetrahydrocannabinol concentration of the substance or the
2060 tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision
2061 shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration
2062 and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct
2063 permitted under Article 4.2 of Chapter 34 of Title 54.1 of the Code of Virginia;

2064 ~~71.~~ 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as
2065 defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing
2066 tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit; ~~and~~

2067 ~~72.~~ 73. Selling or offering for sale any substance intended for human consumption, orally or by
2068 inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container
2069 or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined
2070 in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a
2071 manufacturer, processor, packer, or distributor of a product intended for human consumption other than
2072 the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or
2073 distribute such substance; and

2074 74. Selling or offering for sale a topical hemp product that does not contain a bittering agent that
2075 renders the product unpalatable. As used in this subdivision, "topical hemp product" means a hemp
2076 product, as defined in § 3.2-4112, that (i) is intended to be rubbed, poured, sprinkled, or sprayed on,
2077 introduced into, or otherwise applied to the human body and (ii) is not intended to be consumed orally or

2078 by inhalation. This subdivision shall not (a) apply to products that are approved for marketing by the U.S.
2079 Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (b) be
2080 construed to prohibit any conduct permitted under Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of
2081 Title 54.1.

2082 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or
2083 lease solely by reason of the failure of such contract or lease to comply with any other law of the
2084 Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation
2085 provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such
2086 contract or lease.

2087 **§ 59.1-203. Restraining prohibited acts.**

2088 A. Notwithstanding any other provisions of law to the contrary, the Attorney General, any attorney
2089 for the Commonwealth, or the attorney for any city, county, or town may cause an action to be brought in
2090 the appropriate circuit court in the name of the Commonwealth, or of the county, city, or town to enjoin
2091 any violation of § 59.1-200 or 59.1-200.1. The circuit court having jurisdiction may enjoin such violations
2092 notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not
2093 be necessary that damages be proved.

2094 B. Unless the Attorney General, any attorney for the Commonwealth, or the attorney for any
2095 county, city, or town determines that a person subject to the provisions of this chapter intends to depart
2096 from this Commonwealth or to remove his property herefrom, or to conceal himself or his property herein,
2097 or on a reasonable determination that irreparable harm may occur if immediate action is not taken, he
2098 shall, before initiating any legal proceedings as provided in this section, give notice in writing that such
2099 proceedings are contemplated, and allow such person a reasonable opportunity to appear before said
2100 attorney and show that a violation did not occur or execute an assurance of voluntary compliance, as
2101 provided in § 59.1-202.

2102 C. The circuit courts are authorized to issue temporary or permanent injunctions to restrain and
2103 prevent violations of § 59.1-200 or 59.1-200.1.

2104 D. The Commissioner of the Department of Agriculture and Consumer Services, or his duly
2105 authorized representative, shall have the power to inquire into possible violations of subdivisions A 18,
2106 28, 29, 31, 39, ~~and~~ 41, as it relates to motor fuels, 69, 70, 71, 72, 73, and 74 of § 59.1-200 and § 59.1-
2107 335.12, and, if necessary, to request, but not to require, an appropriate legal official to bring an action to
2108 enjoin such violation.

2109 **§ 59.1-206. Civil penalties; attorney's fees.**

2110 A. In any action brought under this chapter, if the court finds that a person has willfully engaged
2111 in an act or practice in violation of § 59.1-200 or 59.1-200.1, the Attorney General, the attorney for the
2112 Commonwealth, or the attorney for the county, city, or town may recover for the Literary Fund, upon
2113 petition to the court, a civil penalty of not more than \$2,500 per violation. If the court finds that a person
2114 has willfully committed a second or subsequent violation of subdivision A 69, 70, 71, 72, 73, or 74 of §
2115 59.1-200, the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city,
2116 or town may recover for the Literary Fund, upon petition to the court, a civil penalty of not more than
2117 \$5,000 per violation.

2118 B. For purposes of this section, prima facie evidence of a willful violation may be shown when the
2119 Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town notifies
2120 the alleged violator by certified mail that an act or practice is a violation of § 59.1-200 or 59.1-200.1, and
2121 the alleged violator, after receipt of said notice, continues to engage in the act or practice.

2122 ~~B.~~ C. Any person who willfully violates the terms of an assurance of voluntary compliance or an
2123 injunction issued under § 59.1-203 shall forfeit and pay to the Literary Fund a civil penalty of not more
2124 than \$5,000 per violation. For purposes of this section, the circuit court issuing an injunction shall retain
2125 jurisdiction, and the cause shall be continued, and in such cases the Attorney General, the attorney for the
2126 Commonwealth, or the attorney for the county, city, or town may petition for recovery of civil penalties.

2127 ~~C.~~ D. In any action pursuant to subsection A-~~F~~, B, or C and in addition to any other amount
2128 awarded, the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city,
2129 or town may recover any applicable civil penalty or penalties, costs, reasonable expenses incurred by the
2130 state or local agency in investigating and preparing the case not to exceed \$1,000 per violation, and

2131 attorney's fees. Such civil penalty or penalties, costs, reasonable expenses, and attorney's fees shall be paid
2132 into the general fund of the Commonwealth or of the county, city, or town which such attorney
2133 represented.

2134 ~~D.~~E. Nothing in this section shall be construed as limiting the power of the court to punish as
2135 contempt the violation of any order issued by the court, or as limiting the power of the court to enter other
2136 orders under § 59.1-203 or 59.1-205.

2137 ~~E.~~F. The right of trial by jury as provided by law shall be preserved in actions brought under this
2138 section.

2139 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
2140 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
2141 **appropriation is _____ for periods of imprisonment in state adult correctional facilities;**
2142 **therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia**
2143 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**
2144 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for**
2145 **periods of commitment to the custody of the Department of Juvenile Justice.**

2146 #